United Nations S/2007/645

Security Council

Distr.: General
1 November 2007

Original: English

Report of the Secretary-General on Ethiopia and Eritrea

I. Introduction

1. The present report is submitted pursuant to paragraph 12 of Security Council resolution 1320 (2000) of 15 September 2000, and provides an update on developments in the Mission area since my previous report, dated 18 July 2007 (S/2007/440). The report also describes the activities of the United Nations Mission in Ethiopia and Eritrea (UNMEE).

II. Situation in the Temporary Security Zone and adjacent areas

2. The military situation in the Temporary Security Zone and adjacent areas remained tense during the reporting period. Eritrea has maintained troops and heavy military equipment, including tanks in the Zone since October 2006. The Ethiopian troops and heavy equipment that were deployed in areas adjacent to the Zone at that time have remained in position. During the reporting period, Eritrea inducted additional military personnel and equipment into the Zone and both countries conducted rotations, training and troop regroupment of their forces in the border area.

3. The Eritrean Defence Forces personnel have continued the construction of new defences inside the Temporary Security Zone, including in close proximity to Badme. In this connection, UNMEE observed a number of new camps of Eritrean Defence Forces erected in Sector West and Sector Centre. The Eritrean Defence Forces also conducted troop rotations in Sector Centre and Subsector East, as well as a gradual replacement of the militia manning posts in the Zone by regular military personnel.

4. Since early September, a large number of Eritrean Defence Forces, heavy military equipment and ammunition have been deployed to the Temporary Security Zone and the areas adjacent to it. According to UNMEE estimates, during September and October, Eritrea moved an estimated 1,000 additional troops, 10 heavy machine guns and five truckloads of small arms ammunition into the Zone in Sector Centre, bringing the total number of troops inducted into that sector since December 2006 to more than 2,580 military personnel. On 16 October, UNMEE confirmed the presence of three Eritrean artillery pieces inside the Zone near Tsorena in Sector Centre. As regards Subsector East, the strength of Eritrean

07-56950 (E) 051107

BEST COPY AVAILABLE

Defence Forces inducted into the Zone in that area is now approximately 600 military personnel. In Sector West, Eritrea inducted approximately 2,025 military personnel into the Zone in October this year, in addition to some 2,000 troops, tanks and artillery, which had been inducted into that Sector in October 2006. Continued Eritrean restrictions have not made it possible for the Mission to monitor all Eritrean troop movements and deployments in the Zone. As underlined in my earlier reports to the Council, the continued presence and deployment of Eritrean Defence Forces and heavy military equipment inside the Zone constitute direct violations of the Algiers Agreement on Cessation of Hostilities of 18 June 2000.

5. During the reporting period, the Ethiopian Armed Forces conducted training and reinforced defences, including in areas around Badme, and carried out live firing exercises, involving personal and automatic weapons in Sector Centre and Sector West. The Ethiopian Armed Forces have continued to deploy a strategic reserve force in Sector West. UNMEE observed that Ethiopian forces redeployed some 14 armoured personnel carriers and 18 medium artillery guns in the locations of the three mechanized divisions in Sectors Centre and West, approximately 20 to 30 km south of the areas adjacent to the Temporary Security Zone. A further 39 armoured personnel carriers were observed moving to the mechanized formations deployed in Sector West. In addition, from 1 to 10 October, UNMEE observed the Ethiopian Armed Forces deploying a total of 22 T-55 tanks and one armoured recovery vehicle in adjacent areas in Sector Center approximately 10 km from the Zone. The Ethiopian Armed Forces stated to UNMEE that the deployment had been undertaken in response to the presence of 30 tanks that the Eritrean Defence Forces had located some 15 km from the border of the Zone. UNMEE could not independently verify that allegation because of existing Eritrean restrictions. In the meantime, Ethiopian Armed Forces tanks and artillery guns observed in the area of Bure in Subsector East earlier this year had been pulled back south of the adjacent area.

6. Although the leaders of Ethiopia and Eritrea have repeatedly stated that they do not intend to initiate hostilities, the build-up of the forces on both sides of the border area is a cause of serious concern. In this connection, on 15 September, Ethiopian authorities alleged that an Eritrean sniper fired at Ethiopian troops in the area of Zela Ambessa, in Sector Centre, and wounded an Ethiopian soldier. Eritrean commanders denied knowledge of the incident. Another shooting incident between Eritrean and Ethiopian forces allegedly took place in the same area on 8 October.

7. During the reporting period, UNMEE continued to assist the parties with investigations into cross-border incidents, including reports of cattle rustling. The Mission also facilitated the repatriation of Ethiopian and Eritrean civilians who inadvertently had crossed the border.

III. Restrictions on freedom of movement

8. During the reporting period, Eritrea continued to maintain all restrictions that it had imposed on UNMEE. The ban on United Nations helicopter flights in its airspace and the exclusion from service, in Eritrea, of international personnel of certain nationalities remain in force. Eritrea also maintained the 45 permanent (longer than six months) restrictions on the Mission's freedom of movement,

including night patrols, and continued to restrict its patrols to the main supply routes within the Temporary Security Zone in all Sectors. In addition, Eritrea maintained the closure of the strategic bridges between Om Hajer in Eritrea and Humera in Ethiopia, and between Shilalo in Eritrea and Shiraro in Ethiopia, both in Sector West. On 26 September 2007, Eritrea imposed new restrictions on the Mission's demining operations in Sector Centre. From the first week of June, Eritrea had introduced new restrictions in Subsector East, preventing Mission patrols from monitoring areas away from the main road.

9. On 11 August, Eritrean police detained a military observer patrol in Sector Centre for entering the town of Tsorena after 1800 hrs. On 29 August, during their compensatory time off in Asmara, two military observers were detained by the Eritrean authorities for more than two days for visiting an area where prior Eritrean clearance is required. They were later released following a formal protest lodged by UNMEE. Six weeks after the incident, the Eritrean authorities demanded that both military observers leave the country. The military observers subsequently left the country on 12 October 2007.

10. While the restrictions imposed by Eritrea on UNMEE operations seriously undermine the ability of the Mission to effectively monitor the Temporary Security Zone and the adjacent areas, particularly in Sector West, the Mission's static checkpoints continue to monitor, to the extent possible, the movements of Eritrean troops and heavy equipment into and out of the Zone, particularly in Sector Centre and Subsector East, where the difficult terrain bars major military movements away from the main roads.

11. For its part, Ethiopia has lifted all restrictions it had previously imposed on the Mission.

IV. Military Coordination Commission

12. The Mission has not been able to convene any further meetings of the Military Coordination Commission since the 37th meeting, held on 31 July 2006. Ethiopia has indicated to the Mission that it would resume its participation in the Commission only after Eritrea restores the integrity of the Temporary Security Zone. At the same time, Eritrea has stated to UNMEE that if Ethiopia conveys a positive response, Eritrea would attend the meetings of the Commission. The Mission is still awaiting an official response from both countries to invitation letters to a meeting of the Military Coordination Commission sent to them by the Mission on 21 June 2007. The Mission has repeatedly urged the Ethiopian authorities to resume their participation in meetings of the Commission.

V. Implementation of Security Council resolution 1767 (2007)

13. Further to the letter dated 8 June 2007 from the Minister for Foreign Affairs of Ethiopia addressed to the President of the Security Council (see S/2007/350), reiterating that Ethiopia had accepted the 2002 delimitation decision of the Eritrea-Ethiopia Boundary Commission without preconditions, Ethiopia continued to assert that the security conditions for demarcating the border do not exist. In this connection, Ethiopia has maintained that the persistent violation of the Temporary

Security Zone by Eritrea has rendered the Zone virtually non-existent and that the restrictions imposed by Eritrea on the Mission have seriously reduced the Mission's capability to monitor the Zone, as provided for in the Algiers Agreements.

14. On 22 September, the Minister for Foreign Affairs of Ethiopia sent a letter to his Eritrean counterpart stating that Eritrea had committed a material breach of the Algiers Agreements by introducing troops and heavy military equipment into the Temporary Security Zone since October 2006. The letter further stated that, unless Eritrea returns to compliance with the Agreements, the breach could force Ethiopia to consider resorting to "legal and peaceful options" under international law, including terminating or suspending its participation in the Agreements. It further reiterated Ethiopia's rejection of the planned boundary demarcation by the Eritrea-Ethiopia Boundary Commission using map coordinates.

15. On 27 September, the Minister for Foreign Affairs of Eritrea addressed a letter to the President of the Security Council, the Witnesses of the Algiers Agreements, the European Union and myself, in response to the Ethiopian letter of 22 September. The Minister stressed in the letter that the Eritrea-Ethiopia Boundary Commission was the "sole legal forum" for resolving the demarcation issue. The letter further indicated that Ethiopia "has refused to cooperate with the Boundary Commission's lawful orders almost since the day that the Award was first announced in April 2002" and had committed "repeated violations of the Algiers Agreement". The Minister also urged the Security Council to enforce the decision of the Commission.

16. As part of my continued efforts to engage the two parties in the peace process, I dispatched the Under-Secretary-General for Political Affairs on a mission to Eritrea and Ethiopia from 27 to 29 August, during which he held consultations with the President of Eritrea and the Prime Minister of Ethiopia on matters pertaining to the peace process, as well as on regional issues. I was encouraged by the constructive talks the Under-Secretary-General held with the two leaders, as well as the willingness of the two parties to overcome the current impasse in their relations.

17. On 2 October, I held separate meetings with the Minister for Foreign Affairs of Eritrea and Ethiopia. The Minister for Foreign Affairs of Eritrea reiterated the position of his Government that Eritrea was prepared to meet all the requirements of the Eritrea-Ethiopia Boundary Commission, including some easing of restrictions imposed on UNMEE and the withdrawal of troops from the Temporary Security Zone, insofar as their presence impinged on operations of the Boundary Commission. The Minister for Foreign Affairs of Eritrea also rejected any possibility of dialogue on normalization before the demarcation of the border and indicated that any discussions with Ethiopia at this stage could be only on how to put border pillars on the ground. The Minister for Foreign Affairs of Ethiopia confirmed the desire of his Government to move the demarcation process forward, but indicated that it would be impossible as long as Eritrean troops remained deployed in the Zone, adding that dialogue on the many practical issues related to boundary demarcation remained necessary.

VI. Eritrea-Ethiopia Boundary Commission

18. Representatives of Eritrea and Ethiopia participated in the meeting convened by the Eritrea-Ethiopia Boundary Commission at The Hague on 6 and 7 September. However, no progress was made towards the implementation of the 2002

delimitation decision of the Eritrea-Ethiopia Boundary Commission. A detailed account of the work of the Commission is contained in annex II to the present report.

VII. Administration and support

19. The provision of administrative and logistical support to UNMEE in Eritrea has been hampered by the continued restrictions imposed by the Eritrean authorities, particularly the ban on helicopter flights, the exclusion from service in Eritrea of United Nations personnel of certain nationalities, restrictions on the supply of diesel fuel, and other restrictions. These restrictions continued to pose major operational difficulties to the Mission.

VIII. Mine action

20. Landmines and unexploded ordnance continued to pose a major threat to people who live and work inside the Temporary Security Zone and the adjacent areas. During the reporting period, UNMEE continued to carry out humanitarian demining operations. Some 181,255 m^2 and 168 km of road were cleared, and 1,019 km of road were verified during the reporting period. The Mission also carried out the disposal of unexploded ordnance, during which it destroyed 43 anti-tank mines, four anti-personnel mines and 546 pieces of ordnance. The Mission continued to conduct mine-risk education for the local population and newly arrived Mission personnel. Investigations were conducted into six mine incidents involving local civilians in Sector West and Sector Centre, in which nine persons died and six were injured. The demining operations were hindered, however, by new restrictions imposed by Eritrea, as described in paragraph 10 above.

IX. Human rights

21. Consistent with the mandate of UNMEE to coordinate its activities in the Temporary Security Zone and areas adjacent to it with humanitarian and human rights activities of the United Nations and other organizations in those areas, the Mission continued to monitor the human rights situation in the Temporary Security Zone and areas adjacent to it. On 27 July, under the auspices of the International Committee of the Red Cross, the Mission monitored the repatriation of 576 Ethiopian nationals from Eritrea, and 20 Eritrean nationals from Ethiopia.

22. On 31 July, UNMEE conducted a field visit to Shimelba refugee camp in Ethiopia to monitor the situation of Eritrean refugees. The camp administration informed the Mission that about 350 to 400 Eritrean asylum-seekers had reported to the camp every month in the recent past. Camp officials reported that the nutritional conditions of the refugees had improved following the efforts by the World Food Programme to raise resources in order to ensure recognized food ration standards for the camp refugees.

X. Public information

23. UNMEE continued to work actively to meet strong local demand for information, including through the issuance of the Mission's bimonthly magazine, *UNMEE News*, its weekly radio magazine programme and video products. All of the information products are printed and broadcast in the local languages and in English. They are also available on the Mission website, and from outreach centres located in Addis Ababa, Mekele and Adigrat, in Ethiopia. The UNMEE outreach centres in Eritrea have remained closed since 2003.

XI. Humanitarian situation

24. In Eritrea, following the return and resettlement of 20,000 internally displaced persons in the Gash Barka region, in western Eritrea, in May and June, with the support of the United Nations and its partners, all internally displaced persons camps in the region have since been closed. However, both the resettled internally displaced persons and the 12,000 others remaining in camps in the Debub region, in southern Eritrea, still require humanitarian assistance, particularly basic needs. Since the resettlement programme is ongoing, the remaining camps will close when its residents have all been resettled.

25. The Government of Eritrea informed the United Nations, soon after a consultative process on food security for the Horn of Africa held in Nairobi in June 2007, that it was in the process of preparing its food security road map. Meanwhile, the rainy season started, and generally remained above average. As a result, overall official projections for the current agricultural season are favourable.

26. As part of flood preparedness and early response, the Ethiopian Government and its humanitarian partners launched, on 13 August 2007, a joint flood contingency plan seeking $21 million to address relief and recovery needs of an estimated 324,000 beneficiaries under the most likely scenario. In addition, the Humanitarian Response Fund pledged $2 million for flood preparedness. Due to a lack of potable water and poor sanitation services, acute watery diarrhoea continued in a number of regions in Ethiopia. To address the problem, the Central Emergency Response Fund has granted Ethiopia $3 million to support water, sanitation and health-related projects.

XII. Conduct and discipline

27. Since my previous report, UNMEE has reported three cases of misconduct, of which two cases are under investigation. The third case, relating to an UNMEE staff officer who was forced by local authorities to leave Eritrea on grounds of misconduct, is nearing completion. UNMEE also continued to train its staff; more than 1,500 Mission personnel were trained in conduct-related matters, including sexual exploitation and abuse, during the reporting period.

28. UNMEE conducted a survey of recreation facilities in the Mission area to prepare a recreation and welfare strategy for Mission personnel. It also launched initiatives such as exit interviews and a helpline to provide advice on discipline. Exit interviews enable outgoing staff to provide suggestions for improving systems

and mechanisms and identifying flaws. The helpline allows staff to obtain advice from the conduct and discipline unit. Furthermore, a radio programme broadcast in four languages has been introduced to inform the local communities about the zero-tolerance policy of the United Nations and a complaint mechanism.

XIII. HIV/AIDS activities

29. During the period under review, the UNMEE HIV/AIDS Unit continued to conduct induction training to incoming military and civilian personnel, and awareness training for members of military contingents. It also provided voluntary counselling and testing. The unit increased outreach to the local population in collaboration with the UNMEE Public Information Office, the Human Rights Office and the level-1 hospital.

XIV. Observations

30. The meeting of the two parties with the Eritrea-Ethiopia Boundary Commission, held on 6 and 7 September at The Hague, failed to resolve the impasse between the two countries on the demarcation of the boundary. The continued stalemate on this issue, the tension between the two parties and the military build-up along the border area are matters of serious concern.

31. There is no other option but for the two parties to find common ground that would allow the Eritrea-Ethiopia Boundary Commission to proceed with the demarcation of the border. The United Nations remains firmly committed to the full and unconditional implementation of the final and binding delimitation decision, which the Eritrea-Ethiopia Boundary Commission announced on 13 April 2002. I urge the parties to extend full cooperation to the Commission, without further delay, with a view to proceeding to the boundary demarcation on the basis of the Commission's 2002 delimitation decision. In this regard, I urge Eritrea and Ethiopia to cooperate with and facilitate the work of the Commission before the November 2007 time frame set by the Commission. On my part, I will continue to engage both parties to find a mutually acceptable way to implement the final and binding 2002 delimitation ruling of the Commission.

32. I also urge Eritrea and Ethiopia to comply fully with the Agreement on Cessation of Hostilities and the Peace Agreement, which both parties signed in Algiers on 18 June and 12 December 2000, respectively. The two Agreements remain the only basis for the peaceful resolution of the border conflict and the establishment of a lasting peace between the two countries.

33. It is also essential to preserve the integrity of the Temporary Security Zone. I therefore call on Eritrea to withdraw its forces and military equipment from the Zone and to lift its restrictions on UNMEE. The continued military build-up in the border area is a cause of serious concern, which has already resulted in shooting incidents that underscore the risk of further miscalculation. I call upon both parties to exercise the utmost restraint, and to pull back their forces and reduce military activities in the border area. I also urge the parties to reactivate the Military Coordination Commission, which provides a unique framework for dialogue

between military representatives of the two parties to peacefully address issues of border security.

34. Ultimately, Ethiopia and Eritrea bear the primary responsibility for overcoming their differences and moving the peace process forward. I deeply appreciate the efforts undertaken by some Member States in seeking to bridge the divide between the two parties. Such efforts, however, can bear fruit only if both parties display the political will and flexibility necessary to reach a solution to their dispute.

35. In conclusion, I wish to express my gratitude to all civilian and military personnel of the Mission for their continued commitment, hard work and perseverance in an increasingly difficult and stressful working environment. I pay tribute to all the partners of the Mission, the African Union, the Witnesses to the Algiers Agreements and the Friends of UNMEE, as well as the United Nations country team, humanitarian agencies and other international organizations, and Member States, for the support they continue to lend to the peace process. I also pay special tribute to the troop-contributing countries for their sustained support to this important peacekeeping operation.

Annex I

United Nations Mission in Ethiopia and Eritrea: military contributions as at 10 October 2007

Country	*Military observers*	*Troops*	*Staff*	*Total*	*National support elements*
Algeria	8	0	0	8	
Austria	2	0	0	2	
Bangladesh	7	0	5	12	
Bolivia	5	0	0	5	
Bosnia and Herzegovina	5	0	0	5	
Brazil	7	0	0	7	
Bulgaria	4	0	0	4	
China	6	0	0	6	
Croatia	4	0	0	4	
Czech Republic	2	0	0	2	
Denmark	3	0	0	3	
Finland	5	0	0	5	
France	1	0	0	1	
Gambia	2	0	1	3	
Germany	2	0	0	2	
Ghana	12	0	3	15	
Greece	2	0	0	2	
Guatemala	5	0	0	5	
India	8	701	14	723	
Iran (Islamic Republic of)	3	0	0	3	
Jordan	8	559	11	578	
Kenya	10	114	4	128	
Kyrgyzstan	4	0	0	4	
Malaysia	7	0	3	10	
Mongolia	4	0	0	4	
Namibia	4	0	1	5	
Nepal	4	0	0	4	
Nigeria	8	0	2	10	
Norway	3	0	0	3	
Pakistan	5	0	0	5	
Paraguay	4	0	0	4	
Peru	4	0	0	4	
Poland	3	0	0	3	
Romania	5	0	0	5	
Russian Federation	3	0	0	3	

Country	*Military observers*	*Troops*	*Staff*	*Total*	*National support elements*
South Africa	2	0	0	2	
Spain	3	0	0	3	
Sri Lanka	4	0	0	4	
Sweden	2	0	0	2	
Switzerland	1	0	0	1	
Tunisia	8	0	3	11	
Ukraine	3	0	0	3	
United Republic of Tanzania	8	0	2	10	
United States of America	2	0	0	2	
Uruguay	5	33	4	42	
Zambia	9	0	3	12	
Total	**216**	**1407**	**56**	**1679**	

Annex II

Twenty-fifth report of the Eritrea-Ethiopia Boundary Commission

1. This is the twenty-fifth report of the Eritrea-Ethiopia Boundary Commission, covering the period from 10 July to 26 September 2007. The previous report covered the period from 1 April to 9 July 2007.

2. In its previous report, the Commission noted that it had decided to convene a meeting with the Parties in September 2007 in order to ascertain what progress, if any, could be made towards the resumption of its demarcation activities, and noted the replies of the . ..ties of 25 and 27 June 2007 indicating that both Parties were willing to attend su a meeting.

3. On 10 July 2007, the President of the Commission wrote to the Parties inviting them to a meeting to be held in New York at the offices of the Secretary of the Commission, who is also the United Nations Cartographer.

4. In order to comply with United Nations Administrative Rules for holding meetings at United Nations Headquarters, the Commission requested logistical support from the Government of Norway, as a Member of the United Nations which both Parties had accepted as a long-standing neutral supporter of the Commission's work, to reserve rooms for it at United Nations Headquarters. The Government of Norway acceded to this request. The Commission was grateful for this assistance.

5. The President in his letter of invitation stated:

> The purpose of the meeting will be to consider how pillars may be erected along the line set out in the Annex to the Commission's Statement of 27 November 2006 taking into account the need to overcome the problems referred to in paragraphs 10 and 11 of the Commission's Statement of 27 November 2006.
>
> The Commission looks forward to this meeting with the representatives of the Parties. It hopes that they will come with sufficient authority to be able to agree upon the measures necessary to fulfil the purpose of the meeting, in particular that both Parties fully co-operate without conditions with the Commission, and take all necessary action to enable its demarcation teams to perform their functions.
>
> Please confirm at your earliest convenience that your appropriately authorized representatives will attend the meeting.

6. Following a reminder from the Registrar of the Commission on 2 August 2007, Eritrea's representative replied on 9 August 2007 confirming Eritrea's participation and that Eritrea's representative would be "prepared and fully authorized to discuss the implementation of the 13 April 2002 Delimitation Award through demarcation". Counsel for Ethiopia also replied on 9 August 2007 indicating that Ethiopia was prepared to attend a meeting convened by the EEBC on 6 September 2007, but requesting that the meeting be convened in The Hague rather than at the premises of the United Nations in New York, in order to avoid creating the impression that the Commission was "an agency of the United Nations". Eritrea by letter of its

representative dated 18 August 2007, opposed this request and expressed support for the Commission's "undoubted authority to hold meetings where it thinks best".

7. After considering the views of the Parties, the Commission decided to hold the meeting at its seat, which is at the Permanent Court of Arbitration in The Hague, and the Registrar informed the Parties of this decision by e-mail dated 18 August 2007.

8. At the meeting held on 6 and 7 September 2007 Eritrea was represented by His Excellency Mr. Mohammed Sulieman Ahmed, Ambassador of Eritrea to the Netherlands, Professor Lea Brilmayer, Co-Agent, and Ms. Lorraine Charlton. Ethiopia was represented by His Excellency Mr. Fisseha Yimer, Co-Agent, Ambassador and Permanent Representative to the United Nations in Geneva, Mr. B. Donovan Picard, Counsel, and Mr. Edward B. Rowe, Counsel. Representatives of UNMEE were present. The Commission was assisted by Mr. Vince Belgrave, Chief Surveyor, and Mr. Bill Robertson, Special Consultant.

The Agenda of the Meeting on 6 and 7 September 2007

9. An Agenda was circulated to the Parties on 27 August 2007 specifying the conditions required to be satisfied by each Party in order for the Commission to be enabled to resume its activities. Those conditions were:

For Eritrea

- to lift restrictions on UNMEE insofar as they affect the EEBC;
- to withdraw from the Temporary Security Zone (TSZ) insofar as the present position impinges on EEBC operations;
- to provide security assurances;
- to allow free access to pillar locations; and,

For Ethiopia

- to indicate its unqualified acceptance of the 2002 Delimitation Decision without requiring broader ranging negotiations between the Parties;
- to lift restrictions on movement of EEBC personnel;
- to provide security assurances;
- to meet payment arrears;
- to allow free access to pillar locations.

10. The Agenda also indicated that if sufficient progress were to be made on the above points, the Meeting would proceed to consideration of the schedule of work to be undertaken with regard to demarcation on the ground. The proposed schedule was annexed to the Agenda.

The Commission's Meeting with the Parties of 6 and 7 September 2007

11. The President of the Commission opened the meeting with a statement setting out the purpose of the meeting and recalling the Commission's Statement of 27 November 2006. The President recalled the list of locations identified by the

Commission for boundary pillars using coordinates accurate to within one metre, which took into account the observations of the Parties. The President stated that "If the Commission had been able to go on the ground in the way originally planned, this is where the pillars would have been fixed, subject to the processes outlined in the Demarcation Directions. We hope that this indication of the adjusted line would enable the Parties to take a more positive approach to demarcation on the ground as they would see what [we] had in mind."[1]

12. The President also recalled the terms of paragraph 22 of the Commission's Statement of 27 November 2006, which gave the Parties twelve months to consider their positions and seek to reach agreement on the emplacement of pillars. The President noted that less than three months now remained for the Parties to take such action and that, if the parties did not agree to conclude the demarcation themselves or allow the Commission to do so by the end of November, the boundary would automatically stand as demarcated, along the line specified in the Annex to the Statement of 27 November 2006, and the Commission's mandate would thus be fulfilled.

13. The President stated,

> By the end of today, or if our meeting should continue by the end of tomorrow, the Commission would like to know whether the Parties have difficulty with the November 2006 line, or with the fact that it is not marked on the ground. In other words, is the concern with the substance of the line or with the procedure? If the former, that is the substance of the line, what are the difficulties? If the latter, why not agree to let the Commission place the pillars at the indicated locations.[2]

The President also emphasized that there was no room for delaying tactics by either of the Parties.

14. The President acknowledged the letters received that day from the Co-Agent for Eritrea and from the President of Eritrea, both dated 5 September 2007, which "contain significant indications of willingness to see the process of demarcation resumed", and invited Professor Brilmayer to make submissions based on the positions set out in her letter. Copies of the above-mentioned letters are annexed to this report.

Eritrea's Position

15. Professor Brilmayer's letter of 5 September 2007 responded to each of the agenda items in turn.

- On lifting restrictions on UNMEE insofar as they affect the EEBC:

  Eritrea recognizes UNMEE'S essential and positive contribution to the process of demarcating the 13 April 2002 delimitation line, and pledges to assist UNMEE accordingly. I have been instructed to assure the Commission that as the planned demarcation process gets under way, the Government of Eritrea is committed to supporting UNMEE's operations as they bear on the demarcation, as provided in the Algiers Agreements.

[1] Transcript, 6 September, p. 4.
[2] Transcript, 6 September, p. 6.

- On withdrawal from the TSZ insofar as the present position impinges on EEBC operations:

  The Government of Eritrea's position is that as soon as all of the arrangements for demarcation are in place, Eritrea will remove any Eritrean forces that might meet this description.

- On providing security assurances:

  Eritrea has previously provided security assurances in response to Commission instructions, and intends that these assurances should remain in effect unless the Commission determines that they are somehow insufficient or no longer relevant.

- On allowing free access to pillar locations:

  Eritrea has on no occasion interfered with any Commission attempt to access pillar locations, and pledges that in the future it will continue this policy.

16. Professor Brilmayer's letter of 5 September 2007 stated, further, that "the undertakings described above are predicated on the assumption that Ethiopia will fully meet its legal obligations."

17. In his letter of 5 September 2007 President Isaias Afwerki of Eritrea summarized Eritrea's position as follows:

> Eritrea has consistently held the position that any talks between the Parties, secret or otherwise, on any matter regarding the demarcation of the boundary outside the framework of the EEBC, do not have any legal basis, nor are they helpful. It has not and will not countenance any alternative or parallel mechanism. The only forum for any discussion on the demarcation of the boundary is the EEBC.
>
> In regard to the normalization of relations between Eritrea and Ethiopia and any discussion of such normalization, Eritrea's repeatedly stated position also remains consistent. Eritrea is prepared to consider normalizing its relations with Ethiopia and engage in any necessary discussions pertaining to normalization as soon as the demarcation of the boundary is completed and when a conducive environment for normalization is established. It must indeed be clear that dialogue on normalization would not be acceptable as a precondition for demarcation.

18. Professor Brilmayer submitted that her letter was an attempt to address the Commission's questions "as carefully, precisely and responsibly as possible".[3] She stated a general agreement with what she understood as the Commission's point of view "that this is a meeting at which we ought to set up a practical, workable process and one that will allow us to work through the details as we go along."[4] Professor Brilmayer also emphasized "the difficulty of ensuring reciprocity", stating that "Eritrea is convinced that we cannot simply take reciprocity for granted" and that "our suggestions about what we can bring to the process are importantly dependent on progress made from Ethiopia."[5]

[3] Transcript, 6 September, p. 7.
[4] Transcript, 6 September, p. 8.
[5] Transcript, 6 September, p. 8.

19. Eritrea explained its commitment to mean that, as soon as all arrangements for demarcation were in place, it would remove any Eritrean forces that might fit the description of impinging on EEBC operations, possibly including the total departure of Eritrean forces from the TSZ if EEBC operations were so to require.[6] Ethiopia's response was that it would accept nothing less than "fully unconditional withdrawal of the forces of Eritrea now in the TSZ — occupying the TSZ — in clear violation of the cessation of the hostilities agreement."[7]

20. A Commissioner invited comments from both Parties based on the following summary of Eritrea's position:

> As the planned demarcation process gets under way, the Government of Eritrea is committed to supporting UNMEE's operations as they bear on the demarcation as provided in the Algiers Agreement, it being understood by Ethiopia that those operations require the restoration of UNMEE's freedom of operations to what it was three years ago and by Eritrea that this is not excluded if those operations so require ... What we are left with are three questions of fact. First, what UNMEE operations do bear on the demarcation? Secondly, what Eritrean forces in the TSZ do impinge upon EEBC operations? Those two questions give rise to a third: and how are those questions of fact to be determined?"[8]

> Professor Brilmayer's response was that "Ethiopia says that it is unqualified in its acceptance of the delimitation decision and what that means is that they are prepared to discuss demarcation. That really is not the kind of reciprocity that Eritrea feels like it needs".[9]

Ethiopia's Position

21. Mr. Picard, Counsel for Ethiopia, made a series of observations which did not respond directly to the Agenda, and some of which related to matters outside the scope of the Commission's mandate.

22. Mr. Picard expressed Ethiopia's "disappointment" at the Commission's Agenda for failing to "reflect the reality on the ground" or to "reflect the treaty obligations of the Parties".[10] He stated that "implementation cannot take place in the face of Eritrea's grave violations and clear and continued aggression and threats of force. These have nullified the minimum security conditions necessary for the resumption of demarcation. These actions on the ground have made demarcation practically physically impossible."[11] Mr. Picard stated further:

> [Ethiopia] rejects as a practical matter the notion set forth in the agenda and in Professor Brilmayer's letter to the Commission which we received this morning: the notion that all Eritrea must do is to declare that it is ready to lift restrictions on UNMEE "insofar as they affect the Commission" and "to withdraw from the TSZ insofar as the present position impinges on

[6] Transcript, 6 September, p. 17.
[7] Transcript, 6 September, p. 18.
[8] Transcript, 6 September, pp. 23-24.
[9] Transcript, 6 September, p. 28.
[10] Transcript, 6 September, p. 9.
[11] Transcript, 6 September, p. 12.

> Commission operations". The notion that this would allow demarcation to go forward is simply not in touch with reality.[12]

23. Ethiopia's substantive response to the conditions set out by the Commission in its Agenda was as follows:

> Ethiopia cannot accept what appears to be indications by the Commission that Eritrea would not be required to withdraw fully from the TSZ.[13]

According to the Co-Agent for Ethiopia, it was for the purposes of demarcation that the Parties agreed to withdraw from the TSZ, which was a fundamental condition of the Cessation of Hostilities Agreement, compliance with which was additionally an obligation under Article 1 of the Algiers Agreement. For this reason, no discussion could take place on the demarcation issue "as long as full compliance with the Cessation of Hostilities Agreement on TSZ and UNMEE is [not] restored; not insofar as, not as long as it does not affect the work of EEBC. That is totally unacceptable to us."[14]

24. A Commissioner asked of Ethiopia: "if Eritrea were to withdraw all of its forces from the TSZ, would the Government of Ethiopia be in a position to commit itself unconditionally to cooperate in the process of demarcation?"[15] The Co-Agent for Ethiopia responded that "assuming Eritrea withdraws fully troops and equipment from the TSZ ... then we will be back and we will engage in the discussion of demarcation. Now we are saying that we will not engage in the discussion on demarcation because the situation on the ground has changed. We are not going back now, but, if the situation changes, then we will sit down and discuss the issue of demarcation, which is the second part of your mandate."[16]

25. A Commissioner then referred to the five conditions specified in the Agenda and asked if Ethiopia, supposing Eritrea were willing to move out of the whole of the TSZ, were willing to comply with those conditions and implement all of them.[17] Mr. Picard responded that "once this serious problem of return of the temporary security zone to its proper state, as required by the Algiers Agreements, and once UNMEE is allowed to fulfil its obligations by no longer being hindered in its operations throughout the zone, once those problems are dealt with, the other points that the Commission has raised are certainly not going to provide a problem"[18] and "The problem really is Eritrea's violations of the Algiers Agreements are so fundamental and so material and so direct a threat to Ethiopia that this conduct simply has to change in fundamental ways before there will be any confidence that we can have productive discussions on demarcation."[19]

26. In response to a question by a Commissioner, Mr. Picard confirmed that in effect Ethiopia was requiring three conditions to be met, namely the concept of demarcation originally adopted by the Commission; ceasing of activities alleged to be conducted by or on behalf of Eritrea in other parts of Ethiopia; and activities

[12] Transcript, 6 September, pp. 12-13.
[13] Transcript, 6 September, p. 13.
[14] Transcript, 6 September, p. 17.
[15] Transcript, 6 September, p. 19.
[16] Transcript, 6 September, pp. 19-20.
[17] Transcript, 6 September, p. 20.
[18] Transcript, 6 September, p. 20.
[19] Transcript, 6 September, p. 21.

alleged to be conducted by or on behalf of Eritrea against Ethiopia in Somalia. Ambassador Yimer objected to the demanding of "some concession" from Ethiopia in return for Eritrean compliance with existing obligations, and stated that Ethiopia's demand was for the *status quo ante* to be restored.[20]

27. As to the summary of the position of Eritrea set out above in paragraph 20, Ambassador Yimer responded that "The Government position is that before we enter into any discussion of anything regarding demarcation, anything, before anything is under way on demarcation, the situation on the ground has to change."[21]

28. Regarding the other question by a Commissioner, that, "If the Eritrean Government were prepared to commit itself to total withdrawal from the TSZ and restoration of the *status quo ante* of UNMEE, would your Government be in a position to commit itself to accept the demarcation of the border pursuant to the coordinates set out in the November 2006 Statement of the Commission?",[22] Ambassador Yimer replied:

> once this is done, the *status quo ante* of UNMEE is restored, the Ethiopian Government is prepared to sit down and discuss with you a demarcation process, which is the second phase of your mandate ... We will embark upon the discussion of the demarcation process, because it has stopped now.[23]

29. Asked further by a Commissioner whether Ethiopia was prepared to apply the Delimitation Decision through demarcation without broader negotiations and without discussion, the Ambassador stated: "I am not saying we would not engage in a discussion and there will not be any demarcation. There will be and we have to sit down and discuss and be prepared to discuss demarcation without any condition to be engaged with you ... but there is a very serious situation which has to be removed now."[24] The Commission observes that, even if all of Ethiopia's conditions were met by Eritrea, Ethiopia would not commit itself to anything more than discussion on demarcation.

Conclusion of the Meeting of 7 September 2007

30. In closing the meeting, the President reminded the Parties that the effect of the Commission's Statement of 27 November 2006 is that the demarcation by coordinates identifying with precision the locations where pillars should be in place will become effective at the end of November unless in the interval the Parties act so as to produce a new situation.[25] The President reminded the Parties that the line prescribed by joining the coordinates specified in the annex to the Statement of November 2006 had been drawn taking into consideration the observations of the Parties, and differs only to a limited extent from the line in the Delimitation Decision of April 2002.[26] The President stated:

> Needless to say we greatly regret that we could not take our work through to its full conclusion, but at least we leave you with a line that is operable. It is

[20] Transcript, 6 September, p. 22.
[21] Transcript, 6 September, p. 25.
[22] Transcript, 6 September, p. 25.
[23] Transcript, 6 September, p. 26.
[24] Transcript, 6 September, p. 26.
[25] Transcript, 7 September, p. 3.
[26] Transcript, 7 September, p. 4.

up to you to work out how to implement it. It is up to you to consider such devices as open boundaries so that some of what you identify as manifest absurdities because a line cuts a village or a road several times can be overcome by allowing the boundary to be open and nationals to pass freely from one side to the other or even to cultivate their fields on the other side.[27]

31. The Commission expressed its appreciation of the work done by UNMEE during the period when it was able to provide assistance and of the work of the United Nations Cartographic Section and the Permanent Court of Arbitration.[28]

Next Steps

32. Following the exchange of views at the meeting with the Parties of 6 and 7 September 2007, if the positions of the Parties have not changed by the end of November 2007, the boundary will automatically stand as demarcated by the boundary points listed in the Annex to the Statement of 27 November 2006. The Commission will then remain in existence only for the purpose of administrative matters connected with the termination of its mandate.

Financial Arrears

33. Ethiopia continues to be in default on payment of its share of the Commission's expenses.

34. At the meeting on 7 September 2007 Eritrea raised the issue of Ethiopia's payment of its financial arrears as expressly required by the Algiers Agreement.[29] The President recalled that on 16 March 2006, the Registrar of the Tribunal requested payment of a deposit and this was followed up with an email to the Co-Agents of the Parties on 31 March confirming that the Commission had received the deposit from Eritrea. On 18 May 2006 the Registrar required the immediate payment of the Ethiopian deposit. On 21 May 2006, there was a letter from Counsel for Ethiopia to the President indicating that the Government of Ethiopia had approved payment of the deposit. No payment was made. In November 2006 there was a conversation between the Registrar and Mr. Rowe in this connection and between 16 and 27 April 2007 there was a conversation between the Registrar and Mr. Picard at the premises of the Permanent Court of Arbitration.[30] Mr. Picard responded that he had not received any further instructions on this matter.[31]

35. The Registrar of the Commission clarified that, if the Commission received Ethiopia's $250,000 deposit in March 2006, it would still have had to require from each Party an additional $750,000 to meet the obligations of the Commission already incurred. As at 7 September 2007, the Commission had not asked for further deposits from Eritrea, because it had never received the Ethiopian deposit.[32] The President recalled that the Commission had been obliged to turn to the United Nations Trust Fund, which had disbursed approximately $500,000.[33] Thus it was

[27] Transcript, 7 September, p. 4.
[28] Transcript, 7 September, p. 5.
[29] Prof. Brilmayer, Transcript, 7 September, p. 5.
[30] Transcript, 7 September, pp. 5-6.
[31] Transcript, 7 September, p. 6.
[32] Transcript, 7 September, p. 6.
[33] Transcript, 7 September, p. 6.

drawn to the attention of the Parties that Ethiopia is still in arrears and both sides will have to be asked to make a further contribution towards the expenditure already incurred but not covered.[34]

(*Signed*) Sir Elihu **Lauterpacht**
President of the Eritrea-Ethiopia Boundary Commission
28 September 2007

[34] Transcript, 7 September, p. 7.

Attachment I

President Sir Elihu Lauterpacht
Eritrea Ethiopia Boundary Commission
Permanent Court of Arbitration
The Hague, the Netherlands

5 September 2007

Dear President Lauterpacht:

I am writing in regard to the Agenda you circulated in advance of the 6 September 2007 meeting of the Boundary Commission in The Hague. Your Agenda sets out a series of points on which the Commission requests the parties to clarify their commitments for the record. Eritrea's positions on the four points addressed to it are as follows.

First, the Commission has asked whether Eritrea is prepared to facilitate UNMEE's activities in so far as they affect the operations of the EEBC. Eritrea recognizes UNMEE's essential and positive contribution to the process of demarcating the 13 April 2002 delimitation line, and pledges to assist UNMEE accordingly. I have been instructed to assure the Commission that as the planned demarcation process gets underway the Government of Eritrea is committed to supporting UNMEE's operations as they bear on the demarcation, as provided in the Algiers Agreements.

Your second request is for Eritrea's assurances that it will remove any Eritrean military presence in the TSZ "in so far as the present position impinges on EEBC operations". The Government of Eritrea's position is that as soon as all of the arrangements for demarcation are in place, Eritrea will remove any Eritrean forces that might meet this description.

Third, the Commission asks for Eritrea's security assurances. Eritrea has previously provided security assurances in response to Commission instructions,

and intends that these assurances should remain in effect unless the Commission determines that they are somehow insufficient or no longer relevant.

Finally, Eritrea is requested to guarantee that it will allow free access to all pillar locations. Eritrea has on no occasion interfered with any Commission attempt to access pillar locations, and pledges that in the future it will continue this policy.

In light of the problems that have been experienced over the last five years due to Ethiopia's failure to comply with Commission decisions and instructions, it is unfortunately necessary for Eritrea to inform the Commission that the undertakings described above are predicated on the assumption that Ethiopia will fully meet its legal obligations.

As the Agenda requests, I plan to reiterate Eritrea's positions on these matters for the record after your opening remarks at the forthcoming meeting.

Very truly yours,

Lea Brilmayer
Legal Advisor to the Office of the President

Asmara, 5 September 2007

Sir Elihu Lauterpacht
President, the Eritrea-Ethiopia Boundary Commission
Permanent Court of Arbitration,
The Hague, Netherlands

Dear Mr. President,

Allow me to express my best wishes for the good health of your person.

I am writing this letter to put on record our profound apprehension about plans apparently underway to prevent the forthcoming EEBC meeting from addressing the critical issue on its agenda. Let me emphasize at the outset that I have no desire to compound your heavy burden. Nonetheless, remarks made in a press conference given by a US Assistant Secretary of State, Ms. Jendayi Frazier, on August 17 last month constitute political interference intended to induce negative bearings on the legal process. We have thus no option but to report our views candidly and unequivocally. Let me proceed to quote the relevant parts of her statement:

> On the Eritrea-Ethiopia boundary issue, we are pleased that both countries have agreed to meet again under the auspices of the EEBC, under the Boundary Commission. And they are working very closely with Norway. And we would expect the UN role also in this next meeting. So we think that the process perhaps will move forward on there, but both countries, Ethiopia and Eritrea, have violated their own responsibilities to solving the Boundary Commission, the boundary dispute. And it continues to be a source of tension that is undermining not only the two countries, but, again, the region as a whole....

What the Eritrean Government said was that they did not want me to go to the border. My plan was to go to the border through Asmara and then to Ethiopia.... I said, the only purpose of coming is to go to the border. And so I went through Ethiopia instead of Eritrea. We are asked to come in by Kofi Annan before sanctions would be placed on Eritrea and Ethiopia, to try to mediate between them, to try to make, get forward motion on the Boundary Commission. We did get forward motion because we brought Ethiopia back to the table. Ethiopia had refused to go to the Commission before. We brought them back to the table. We got Meles to say he would accept the delimitation decision without conditions. But we lost Eritrea Eritrea then walked away from the Boundary Commission. Now they are coming back together. Those sanctions which were being considered were put on hold to give time for a diplomatic effort. Our diplomatic effort stalled when we suggested that there be technology, satellite technology, to look at how decisions on the demarcation of the border would affect the local communities. Because we felt that it was extremely important for Ethiopia and Eritrea to discuss how they were going to manage the impact on communities on the border, because some territory that was previously Eritrea would go to Ethiopia, some territory that was previously Ethiopia would go to Eritrea. So you had to address those local issues. Some farms would be split from their wells

Mr. President,

You will recall the strong reservations and protests we have made in the past against attempts to interfere with the EEBC's legal proceedings. Such political interference threatens to distract the forthcoming meeting from its legitimate agenda. We are therefore compelled to put on record our views.

1. Assistant Secretary of State Frazier's comments (which are phrased as though she has the authority to dictate the meeting's agenda) refer to a United Nations role without providing specifics. She mentions a role for Norway as well. The responsibilities of the United Nations under the Algiers Agreement are evident, but it is difficult to understand what legal role Norway might have.

2. She asserts that both countries have violated their responsibilities. Such apportionment of blame equally between the two parties, so as to accuse Eritrea, is not new. It is baseless and remains unacceptable.

3. In as far as her visit to the border is concerned, her illegal entrance into occupied Eritrean areas through Ethiopia effectively condones the invasion of the territories of a UN member State. It was both unlawful and ill-advised, and Eritrea objected to it at the time. Her support for alterations to the EEBC Award are indicative of the underlying motivations and purpose of her visit.

4. Ms. Frazier claims that she brought Ethiopia back to the table and induced it to accept the delimitation decision without conditions. Her claims raise many questions and (if true) serve only to reinforce our apprehension on the ultimate object of illegal interference. Moreover, her assertion "[b]ut we lost Eritrea... Eritrea then walked away from the Boundary Commission" is simply untrue.

5. Ms. Frazier alludes to "satellite technology" and to communities that will be affected by the Award. The allegation that "some farms will be split from their wells" is simply another variant of the "dialogue" argument invoked earlier in an attempt to dilute and nullify the Commission's final and binding Award. It has no legal or moral basis and we reject it, as has the Commission.

Mr. President,

What I have highlighted above constitutes only a small part of what was asserted at the press conference. But the effort underway to derail the 6 September meeting and to preclude indefinitely a resolution of the matter goes beyond mere advocacy for adjustments. I would have wished that this were not true.

The pretexts are, as usual, packaged benignly. Some of the ones typically invoked include:

- "Dialogue between the parties": As we have repeatedly explained, we are unwilling to become entangled in what are essentially efforts to undermine the Commission's legal decisions and to embroil ourselves in barren and endless wrangling.
- Preoccupation that villages, churches and mosques might be divided: This earlier version of the argument has now been repackaged as "farms being split from their wells". Apart from its factual inaccuracies and legal irrelevance, this misplaced concern ignores the suffering of tens of thousands of our citizens who have languished in makeshift camps for years. The churches and mosques that were desecrated during the invasion, and the numerous villages that were razed to the ground, are still fresh in our memories.
- Communities that (supposedly) will be divided: This argument is at variance with the reality of borders and boundaries all over the world.
- "Normalization of relations" is possible only once the boundary has been demarcated. Indeed, it has only been delayed by the efforts in question to disrupt demarcation indefinitely.
- In regard to UNMEE: At a time when Ethiopia has breached the Commission's instructions on the "evacuation of its troops and the dismantling of illegal settlement" and rejected the Award, the measure we took to safeguard our sovereign rights, alleviate the humanitarian

suffering of our people and stem the deterioration of our lands have been exaggerated and blown out of proportion and misconstrued – even though it may have entailed minor inconveniences to UNMEE - as a deliberate act of obstruction of demarcation and a violation of the binding Award. This apparent misrepresentation is not justifiable.

- Smear campaigns and allegations on terrorism that are underway through the falsification and fabrication of facts are, likewise, designed to create obstacles to the implementation of the EEBC's Award.

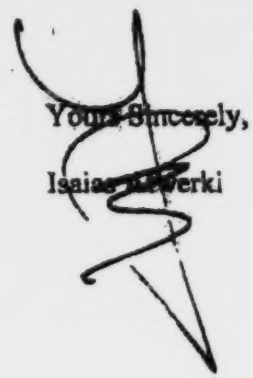
The underlying object of these efforts is not to promote the implementation of the EEBC Award or to expedite demarcation. The overriding objective is to render the EEBC proceedings fruitless and ineffective.

In this vein, we were approached just recently to consider a "proposal" for a "secret meeting" between the parties around the fringes of the UN General Assembly meeting later this month. We were further told, quite bluntly, that the current EEBC meeting will be "inconsequential". In this connection, we have already reiterated our stance clearly and firmly. And that is:

> Eritrea has consistently held the position that any talks between the parties, secret or otherwise, on any matter regarding the demarcation of the boundary outside the framework of the EEBC, do not have any legal basis, nor are they helpful. It has not and will not countenance any alternative or parallel mechanism. The only forum for any discussion on the demarcation of the boundary is the EEBC.
>
> In regard to the normalization of relations between Eritrea and Ethiopia and any discussion of such normalization, Eritrea's repeatedly stated position also remains consistent. Eritrea is prepared to consider normalizing its relations with Ethiopia and engage in any necessary discussions pertaining to normalization as soon as the demarcation of the boundary is completed and when a conducive environment for normalization is established. It must indeed be clear

that dialogue on normalization would not be acceptable as a precondition for demarcation.

In conclusion, Eritrea's consistent position has been that this process should be managed as a legal one, consistently with international law. Eritrea comes to this meeting with legal answers to the questions proposed by your Agenda, which are outlined in a letter submitted today by our legal counsel.



Yours Sincerely,

Isaias Afwerki

United Nations S/2007/646

Security Council

Distr.: General
2 November 2007

Original: English

Identical letters dated 2 November 2007 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and to the President of the Security Council

Upon instructions from my Government, and with regard to certain unfounded allegations against the Islamic Republic of Iran reflected in the Secretary-General's latest report on resolution 1559 (2004), circulated as document S/2007/629, I wish to state that the Islamic Republic of Iran categorically rejects the said allegations and stresses that it has never provided the Popular Front for the Liberation of Palestine-General Command (PFLP-GC) with military or training support. Iran has been, and will remain, unwavering in its unequivocal support for the stability and security of Lebanon and will continue to be against any tension or instability in that country. In the same vein, from the very beginning of the outbreak of violence in the Nahr al-Bared refugees' camp, the Islamic Republic of Iran condemned the said unacceptable and dangerous violence. We are of the view that only those who are hostile to the independence and stability of Lebanon, first and foremost the Zionist regime, stand to benefit from violence and chaos in that country.

The said allegations, originated from Israeli sources, are the latest example of a pre-planned attempt by the Israeli regime, aimed at distracting the international community's attention from its aggressive and unlawful policies and practices vis-à-vis Lebanon and others in the region, particularly the defenceless Palestinian people.

It is our firm belief that the Secretary-General's reports, in particular those related to major issues of peace and security, should be impartial, factual and based on concrete evidence. Therefore, the Secretary-General should exercise maximum vigilance over the contents of such reports in order to prevent them from being turned into a platform for the misleading, unfounded and one-sided allegations manufactured by the Israeli regime against others.

I will be grateful if you could arrange for the present letter to be circulated as a document of the Security Council. I am also sending an identical letter in this regard to the Secretary-General of the United Nations.

(*Signed*) Mohammad **Khazaee**
Ambassador
Permanent Representative

07-57906 (E) 021107

United Nations S/2007/647

Security Council

Distr.: General
1 November 2007

Original: English

Letter dated 31 October 2007 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that the members of the Security Council have decided to send a mission to Timor-Leste from 24 to 30 November 2007. They have agreed on the terms of reference of the mission (see annex).

Following consultations with the members, it has been agreed that the composition of the mission is as follows:

Ambassador Dumisani Kumalo (South Africa — Head of Mission)
Ambassador Liu Zhenmin (China)
Mr. Luc Joseph Okio (Congo)
Mr. Muhammad Anshor (Indonesia)
Ms. Diana Eloeva (Russian Federation)
Ambassador Peter Burian (Slovakia)
Ambassador Jackie Wolcott Sanders (United States)

I should be grateful if you could have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Leslie K. **Christian**
President of the Security Council

07-58147 (E) 051107

Annex

Security Council mission to Timor-Leste: terms of reference

1. To reaffirm the Security Council's commitment to the sovereignty, independence, territorial integrity and national unity of Timor-Leste and the promotion of long-term stability in the country.

2. To commend the people of Timor-Leste for their successful elections and efforts aimed at consolidating peace and democracy in their country.

3. To encourage the Government, the Parliament, the political parties and the people of Timor-Leste to continue to work together and engage in political dialogue and consolidate peace, democracy, the rule of law, security sector reform, sustainable social and economic development and national reconciliation in the country.

4. To reaffirm the commitment of the Security Council to assist the Timorese people to consolidate peace, democratic governance and the rule of law, in the post-electoral period in Timor-Leste, to support and encourage efforts to ensure accountability and justice and implementation of United Nations recommendations in that regard, and to stress that the mandate of the United Nations Integrated Mission in Timor-Leste (UNMIT) set out in Security Council resolution 1745 (2007) constitutes a significant contribution by the United Nations to this endeavour.

5. To express the Security Council's full support for UNMIT and for the United Nations presence in Timor-Leste, and to assess the progress made on the ground in the implementation of the mandate of UNMIT.

6. To discuss and exchange views with the Timorese authorities on ways and means to assist the country in developing capacities necessary to build on security and democratic and other gains achieved thus far.

7. To underscore the long-term commitment of the international community to stabilization and development in Timor-Leste, and the need for continuing support of bilateral and international partners to Timorese efforts towards self-reliance.

United Nations S/2007/647*

Security Council

Distr.: General
1 November 2007

Original: English

Letter dated 31 October 2007 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that the members of the Security Council have decided to send a mission to Timor-Leste from 24 to 30 November 2007. They have agreed on the terms of reference of the mission (see annex).

Following consultations with the members, it has been agreed that the composition of the mission is as follows:

Ambassador Dumisani Kumalo (South Africa — Head of Mission)
Ambassador Liu Zhenmin (China)
Mr. Luc Joseph Okio (Congo)
Mr. Muhammad Anshor (Indonesia)
Ms. Diana Eloeva (Russian Federation)
Ambassador Peter Burian (Slovakia)
Ambassador Jackie Wolcott (United States of America)

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Leslie K. **Christian**
President of the Security Council

* Reissued for technical reasons.

07-58147* (E) 061107

Annex

Security Council mission to Timor-Leste: terms of reference

1. To reaffirm the Security Council's commitment to the sovereignty, independence, territorial integrity and national unity of Timor-Leste and the promotion of long-term stability in the country.

2. To commend the people of Timor-Leste for their successful elections and efforts aimed at consolidating peace and democracy in their country.

3. To encourage the Government, the Parliament, the political parties and the people of Timor-Leste to continue to work together and engage in political dialogue and consolidate peace, democracy, the rule of law, security sector reform, sustainable social and economic development and national reconciliation in the country.

4. To reaffirm the commitment of the Security Council to assist the Timorese people to consolidate peace, democratic governance and the rule of law, in the post-electoral period in Timor-Leste, to support and encourage efforts to ensure accountability and justice and implementation of United Nations recommendations in that regard, and to stress that the mandate of the United Nations Integrated Mission in Timor-Leste (UNMIT) set out in Security Council resolution 1745 (2007) constitutes a significant contribution by the United Nations to this endeavour.

5. To express the Security Council's full support for UNMIT and for the United Nations presence in Timor-Leste, and to assess the progress made on the ground in the implementation of the mandate of UNMIT.

6. To discuss and exchange views with the Timorese authorities on ways and means to assist the country in developing capacities necessary to build on security and democratic and other gains achieved thus far.

7. To underscore the long-term commitment of the international community to stabilization and development in Timor-Leste, and the need for continuing support of bilateral and international partners to Timorese efforts towards self-reliance.

United Nations A/62/516–S/2007/648

General Assembly
Security Council

Distr.: General
1 November 2007

Original: English

General Assembly
Sixty-second session
Agenda item 54 (d)
Sustainable development: protection of global climate for present and future generations of mankind

Security Council
Sixty-second year

Letter dated 31 October 2007 from the Permanent Representative of Bahrain to the United Nations addressed to the Secretary-General

I have the pleasure to transmit the statement of His Excellency Nizar Bin Sadeq Al-Baharna, Minister of State for Foreign Affairs of the Kingdom of Bahrain, made on the occasion of United Nations Day (see annex).

I would appreciate it if the present letter and its annex were issued as a document of the General Assembly under agenda item 54 (d), and of the Security Council.

(*Signed*) Tawfeeq Ahmed **Almansoor**
Ambassador
Permanent Representative

07-58321 (E) 091107

Annex to the letter dated 31 October 2007 from the Permanent Representative of Bahrain to the United Nations addressed to the Secretary-General

[Original: Arabic]

It gives me pleasure to respond to your generous invitation to join the esteemed gathering in the annual celebration of United Nations Day on 24 October, and to reaffirm the confidence of the peoples of the world in the United Nations and in its Charter, which has served for over 60 years as the guiding framework and compass for international relations.

As we celebrate this year in the presence of Mr. Ban Ki-moon, the new Secretary-General of the United Nations, I am pleased to take this opportunity to congratulate him once again on having been selected for this important post that he so richly deserves. We commend his active and vital role in enhancing the effectiveness of the Organization and his initiatives in the service of the global community, most recently his call for the High-level Event on Climate Change so successfully held at the United Nations last month.

There can be no doubt that the achievements of the United Nations are far-reaching in many areas, including international peace and security, the protection of human rights, the promotion of economic and social development, the protection of women's and children's rights, and the eradication of colonization and racial discrimination. All of these achievements validate today's endeavour by we peoples who have put our trust in and rallied around the United Nations to seek further support for its efforts and programmes with a view to the achievement of its lofty goals and purposes in the area of peace and development.

As it convenes its sixty-second session, the United Nations is today confronted with one of the greatest threats to economic, social and, from a broader perspective, human stability, namely, the threat, or rather, threats, posed by climate change to the global environment, including all of the water, air and soil on planet Earth.

The concern of which I am speaking today was stressed by Sheikha Haya Al-Khalifa in her farewell address as President of the sixty-first session of the General Assembly on 17 September 2007, when she said that the issue of climate change was no longer a matter of debate but had become a living reality that impinged on the achievement of the Millennium Development Goals.

The international community has in fact already laid the legal and institutional groundwork for addressing these threats through the United Nations at the level of this year's General Assembly in the High-level Event on Climate Change held on 24 December, at the level of the Security Council in the debate on climate change held in April of this year, and at the global level in the upcoming United Nations Climate Change Conference to be held in Bali, Indonesia, this December. Climate change is therefore becoming the issue of both the present and the future.

This issue remains a constant reminder of the intimate link between the effects of climate change and the process of sustainable development, particularly during the discussions of the current General Assembly session, which have given rise to renewed calls for developed countries to fulfil their pledges of assistance to developing and less developed countries to address the effects of climate change and

the burdens of development so that the desired equitable balance between the two sides is achieved.

The Kingdom of Bahrain is tackling the effects of climate change both directly and indirectly. It has developed a comprehensive sustainable development strategy that takes all factors into account and combines compliance with international conventions, particularly those relating to climate change, with the provision of comprehensive economic, social, health and humanitarian care to all of its citizens for the sake of prosperity and stability.

In order to respond to these challenges, fulfil its commitment to cooperate with the United Nations and the international community, and do whatever necessary to forestall the negative effects of climate change, the Kingdom of Bahrain, by a decision of His Highness the Prime Minister in September of this year, has approved the establishment of a joint national committee to address the effects of climate change. It has also identified ways and means by which to introduce environment-friendly technology, draft regulations and measures for the implementation of agreements in conformity with national laws, and prepare the Kingdom's national reports on the subject of climate change.

While the Kingdom of Bahrain has established its own national mechanisms to protect against the harmful effects of climate change on the environment, the economy and humanity, it believes wholeheartedly that all such burdens are the shared responsibility of developed and developing countries, rich and poor, industrialized and non-industrialized, for the good of humankind and a stable future.

Today, as we celebrate United Nations Day, we rededicate our efforts, both with our partners for development and peace in the Gulf and Arab region, and with the United Nations, for the sake of greater success in achieving not only the Millennium Development Goals but all of the lofty purposes of the United Nations.

United Nations A/62/517–S/2007/649

General Assembly
Security Council

Distr.: General
1 November 2007

Original: English

General Assembly
Sixty-second session
Agenda item 22
Question of Cyprus

Security Council
Sixty-second year

Letter dated 31 October 2007 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 31 October 2007, addressed to you by Kemal Gökeri, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the letter and its enclosure could be circulated as a document of the General Assembly, under agenda item 22, and of the Security Council.

(*Signed*) Baki **İlkin**
Ambassador
Permanent Representative

07-58284 (E) 091107

Annex to the letter dated 31 October 2007 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to convey herewith a copy of the letter dated 30 October 2007 addressed to you by Mr. Mehmet Ali Talat, President of the Turkish Republic of Northern Cyprus (see enclosure).

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 22, and of the Security Council.

(*Signed*) M. Kemal **Gökeri**
Representative
Turkish Republic of Northern Cyprus

Enclosure

30 October 2007

I have the honour to refer to the statement made by the Greek Cypriot leader, Mr. Tassos Papadopoulos, at the sixty-second session of the United Nations General Assembly in New York on 26 September 2007 in his purported capacity as the "President of the Republic of Cyprus", and to respond as follows.

We, once again, have witnessed in the statement the distortion by the Greek Cypriot leadership of the historical facts as well as the current realities of Cyprus before the General Assembly. Needless to say, the Cyprus problem is not one of "invasion" and "occupation" as the Greek Cypriot leader likes to portray, but a political problem between the two peoples of Cyprus, namely Turkish Cypriots and Greek Cypriots, who were the co-founder partners of the 1960 Republic of Cyprus until 1963 when the Greek Cypriot partner monopolized the state by ejecting Turkish Cypriots from all organs of the state machinery in accordance with a premeditated plan, namely the *Akritas Plan* (see A/33/115-S/12722 dated 30 May 1978). The atrocities perpetrated against the Turkish Cypriots, who resisted this attempted takeover aimed at the annexation of the island to Greece (*Enosis*) — expressly and explicitly prohibited by the International Cyprus Treaties establishing the 1960 Republic of Cyprus — are well-recorded in the annals of the United Nations as well as in the international media. Therefore, when Mr. Papadopoulos makes references to terms such as "enclaved", "missing persons", "refugees" and "human right violations" in Cyprus, he should remember that these indeed are the terms defining the conditions under which the Turkish Cypriots were forced to live between the years 1963 and 1974 at the hands of the Greek Cypriot armed elements.

Having set the record straight, I would like to draw your attention to the fact that each consecutive year, the statements of the Greek Cypriot leader before the Assembly become more and more distant from the realities of the Cyprus problem as well as the international efforts towards a comprehensive settlement in Cyprus. This year, for example, he went as far as claiming that and I quote: "... *efforts to solve the Cyprus problem have not been filtered through a system of values and norms of international law*". This is a clear attempt to do away with the well-established United Nations parameters and the body of work for the settlement of the Cyprus problem that came into being in 40 years of negotiations under the auspices of the successive Secretaries-General of the United Nations. This, unfortunately, is a result of the acquiescence of the international community to the maximalist and counterproductive policies and rhetoric of the Greek Cypriot leadership.

Such statements of the Greek Cypriot leadership, naturally, do not bode well for future efforts for a settlement. In this speech, he once again undermined your good offices mission by continuously referring to Turkey as his counterpart in the search for a settlement in Cyprus and made no reference to the Turkish Cypriot side in this regard. I am of the view that the Greek Cypriot leadership should be reminded by the United Nations that the mission of good offices of the United Nations Secretary-General concerns and involves the two sides in Cyprus. His remarks are more meaningful when read together with the statement of his Spokesperson, Mr. Vassilis Palmas who is on record as saying that "*We [the Greek Cypriot side] never claimed that Mr. Papadopoulos and Mr. Talat are in a position*

to solve the Cyprus problem, what we are saying is that any contact can contribute in a positive direction" (Greek Cypriot Official News Agency (CNA), 19 September 2007).

Mr. Papadopoulos also referred to the efforts for a settlement as "*a constitutional arrangement set up primarily on the basis of ethnic origin*", which he is also against. The Greek Cypriot leadership should be cautioned that the efforts for a settlement are aimed at the establishment of a new partnership on the basis of well-established United Nations parameters, such as political equality, equal status and bizonality. It has never been and it will never be an exercise of a constitutional arrangement through which Turkish Cypriots are to be patched up to the "Republic of Cyprus" and absorbed by it through osmosis.

In the same statement, Mr. Papadopoulos asked and I quote: "*So why does this problem persist after so many years during which the national, regional and international political landscape has undergone dramatic changes?*" as if he was not the Greek Cypriot leader who, after paying so much lip service to the Annan Plan before securing unilateral European Union membership, had made a drastic change of policy and called on his people for a "resounding no vote" to the United Nations Comprehensive Settlement Plan in a very sentimental televised address two weeks before the separate simultaneous referendums on 24 April 2004. Mr. Günter Verheugen, the then European Union Commissioner responsible for enlargement is on record as saying that "*I feel personally cheated by the Government of the Republic of Cyprus*" (Mr. Verheugen's statement before the European Parliament on 21 April 2004). Hence, Mr. Papadopoulos's effort to conceal the fact that he has the sole responsibility for the continuation of the Cyprus problem is not at all successful.

He also claims in his statement that the Plan had satisfied all Turkish *desiderata*, and that is why it was readily accepted by the Turkish side. Let me remind Mr. Papadopoulos that as the former United Nations Secretary-General Mr. Kofi Annan put it, the Turkish Cypriots voted in favour of the Plan "*notwithstanding the significant sacrifices that it entailed for many of them*" (statement issued by the Spokesman of the Secretary-General on 24 April 2004 on the outcome of the referendums in Cyprus (S/2004/437, annex). It seems that Mr. Papadopoulos does not want to accept the fact that any settlement requires compromises from all sides.

It is very unfortunate that the Greek Cypriot leadership denies even the existence of the isolations and restrictions on the Turkish Cypriot people, in complete disregard of the fact that international organizations like the United Nations, the European Union, the Council of Europe and the Organization of the Islamic Conference as well as individual States have called for the lifting of the isolations. It does not instil confidence in the Turkish Cypriot people regarding the sincerity of the Greek Cypriot leadership towards a fair and mutually acceptable settlement in Cyprus when the Greek Cypriot leadership denies the existence of the isolations on the one hand and tries to prevent any attempt aimed at the lifting of the isolations of the Turkish Cypriot people on the other. It has become in the past few years a practice for the Greek Cypriot leader to give the General Assembly economic figures and rankings vis-à-vis the Turkish Cypriot economy in a futile attempt to prove that isolations do not exist. Any relative improvement in the Turkish Cypriot economy is a direct result of our pro-solution policies approved and

supported by the international community as a whole. It would be rather more informative if the Greek Cypriot leader next year gives the Assembly a comparative analysis of the Turkish Cypriot and Greek Cypriot economies and explains the huge gap between the two economies on this small island.

Similarly, one cannot take the Greek Cypriot side seriously when it proposes confidence-building measures in the island while at the same time it continues to block, with all means at its disposal, any attempt aimed at lifting the isolations. I believe that it is high time for the international community, particularly the United Nations and the European Union, to act on its decisions and promises and lift the isolations of the Turkish Cypriot people without further delay. As I stated on numerous occasions, lifting the isolations is not an end in itself, but will also be conducive to a settlement in the island by bridging the economic gap between the two sides, leading to a smoother unification of the island in the event of a settlement. It would be remembered that one of the arguments used by the Greek Cypriot leadership for rejecting the Annan Plan was the claim that the Greek Cypriot people would be burdened with the economic cost of the settlement.

As regards the exploitation of the natural resources on and around the island of Cyprus, the Greek Cypriot leadership should be reminded that these belong to all inhabitants of the island of Cyprus. Such unilateral initiatives, taken in complete disregard of the legitimate rights of the Turkish Cypriots, are another proof of the fact that the Greek Cypriot leadership is not seeking an early solution to the Cyprus problem. Otherwise, it would not have taken unilateral steps that would not be conducive to a comprehensive settlement. Such issues could easily be jointly taken up after the solution of the Cyprus problem. This is another indication that the priority of the Greek Cypriot leadership is not the solution of the Cyprus problem, but the further exploitation and consolidation of its usurped title as the "Government of the Republic of Cyprus".

In his statement, the Greek Cypriot leader claims that he is committed to the implementation of the 8 July process, but continues to reject my proposal put forward to this end during our meeting on 5 September 2007. In this meeting, aware of the fact that 14 months had already passed without any progress in the 8 July process, I proposed that after a preparation period of two and a half months to be carried out within the framework of the 8 July process, the full-fledged negotiations between the two leaders start and the working groups as well as the technical committees continue to work parallel to full-fledged negotiations. I was open to any alternative date that Mr. Papadopoulos might suggest for the start of the full-fledged negotiations, but he preferred to reject the whole idea that there should be any time limits in the process. My proposal continues to remain on the table. I sincerely believe that it can pave the way not only for the implementation of the 8 July process, but also for the comprehensive settlement of the Cyprus problem in the shortest possible time. I also hope that Mr. Papadopoulos will positively respond to our package of confidence-building measures entitled "Turkish Cypriot revised package of proposals on confidence-building measures" (A/62/499-S/2007/625) which I put forward during my meeting with you on 16 October 2007.

In the statement, Mr. Papadopoulos asserts that "*a functional and enduring solution is not one that flows from a simplistic formula that merely reflects the power balance of the parties*". This is, indeed, the kind of solution that the Greek Cypriot leadership is seeking by exploiting its advantageous position vis-à-vis the

Turkish Cypriot side as the "Government of the Republic of Cyprus" and member of the European Union. It was with this mentality that Mr. Papadopoulos proposed before the Assembly in 2005 the assimilation of Turkish Cypriots in the European Union member "Republic of Cyprus" through osmosis. This is also why the Greek Cypriot leadership is against any improvement in the daily lives of the Turkish Cypriot people. In their view, the isolations on the Turkish Cypriot people should be consolidated until the gap between the two sides is wide enough for the Greek Cypriot side to impose its terms for a settlement on the Turkish Cypriot side without much resistance. Turkish Cypriots will never accept such an imposition.

In conclusion, I would like to reiterate our firm commitment to the comprehensive settlement of the Cyprus problem under the auspices of your good offices mission and on the basis of the United Nations Settlement Plan of 31 March 2004.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 22, and of the Security Council.

(*Signed*) Mehmet **Ali Talat**
President

United Nations A/62/524–S/2007/650

General Assembly
Security Council

Distr.: General
5 November 2007

Original: English

General Assembly
Sixty-second session
Agenda items 11, 52 (a), 70, 86 and 108

Security Council
Sixty-second year

Elimination of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion

Macroeconomic policy questions: international trade and development

Promotion and protection of human rights

The rule of law at the national and international levels

Measures to eliminate international terrorism

Letter dated 31 October 2007 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Upon instructions from my Government and with regard to the illegitimate and illegal unilateral sanctions, announced on 25 October 2007 by the officials of the United States of America, against certain nationals and national institutions of the Islamic Republic of Iran, I wish to state the following:

The said illegal unilateral measures against certain Iranian nationals and military, financial and other national institutions, including the Islamic Revolutionary Guard Corps (IRGC), which is an important part of Iran's national army and defence system, is the latest example of the contempt of the United States for the basic principles of international law and its unrelenting hostile policies against the Iranian nation, which have taken on perilous new dimensions. Indeed, Iran has been experiencing United States sanctions for the past three decades, but has never given in to United States hegemony and coercion. If history is any indication, the new sanctions imposed by the United States will face the same fate.

Undoubtedly, labelling baseless allegations against sovereign nations and their national institutions and imposing unilateral sanctions against them is against the fundamental provisions of international law and basic principles of the Charter of the United Nations, including the principles of respect for the sovereignty and political independence of States and non-intervention and non-interference in the internal affairs of other States. It also runs counter to various well-known

07-58260 (E) 061107

international legal frameworks and United Nations resolutions that strongly reject unilateral measures and underline, inter alia, that "no State may use or encourage the use of unilateral economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights". These unacceptable unilateral measures also contravene general principles governing the international trading system and trade policies for development contained in relevant United Nations resolutions and other documents, and violate some of the basic principles of international human rights, in particular the right to development.

Moreover, the most recent unilateral sanctions imposed by the United States against Iranian nationals and national institutions put on display yet another example of growing resort by the United States to unilateralism and unilaterally imposed measures, as well as its unjustifiable unilateral evaluation of the conduct of other States as a means of exerting pressure on a sovereign country for purely politically motivated and ill-intended policies. The tendency of the United States to promulgate and implement unilateral measures is clearly undermining the international community's desire and striving for the promotion, the preservation and the strengthening of multilateralism and the multilateral decision-making process through the United Nations, and signifies the urgent need for the international community to collectively address and redress such a destructive approach.

To justify its illegal behaviour, and as a matter of utmost irresponsibility, the United States has resorted extensively to a baseless defamatory misinformation campaign, vilification and hostile propaganda, and has disseminated false and fictitious allegations against the Islamic Republic of Iran and its national institutions. The absurdity of the allegations of the United States against Iran and its nationals and national institutions, on the basis of which the said unilateral measures have been imposed, is so obvious that it requires no explanation.

The so-called proliferation concerns are raised at a time when the IAEA Director General's public statements and reports attest to the peaceful nature of Iran's nuclear programme; the United States has failed to provide the slightest evidence in this regard despite its misleading propaganda campaign; Iran has demonstrated the purely peaceful nature of its nuclear programme through complete transparency and full cooperation with the IAEA; and the recent cooperation between Iran and the IAEA has received worldwide support and appreciation. Equally baseless is the United States allegation against Iran with regard to the so-called support for terrorism. Iran has always rejected and condemned terrorism in all its forms and manifestations, while being itself a victim of acts of terrorism perpetrated by terrorist groups created, financed and supported by the United States.

It is evident that the continuation of this kind of irresponsible unilateral policies and arrogant behaviour by the United States Government will set an alarming precedent with far-reaching adverse implications detrimental to the cause of the rule of law and international peace and security, for which the United States alone must bear full responsibility. Therefore, these irresponsible policies and practices must be universally and unequivocally rejected.

The peace-loving Iranian nation, which seeks a world free from weapons of mass destruction and terrorism, considers the current United States warmongering a threat against not just Iran, but the whole world community.

Without a doubt, the United States administration is singularly responsible for the current turmoil in its relations with the rest of the world. The considerable loss of United States global prestige is but the consequence of its unwise and hegemonic policies and behaviour. Blaming others for its failure in Iraq and Afghanistan, with the aim of silencing and deceiving domestic critics, cannot exonerate the United States administration from its sinister policies and actions in those countries.

Indeed, the United Nations, and particularly the Secretary-General of the Organization, has a fundamental responsibility to discharge in rejecting these unilateral measures and in taking all necessary and appropriate steps to bring these policies and practices to a halt.

I would be grateful if the present letter were circulated as a document of the General Assembly under agenda items 11, 52 (a), 70, 86 and 108, and of the Security Council.

(*Signed*) Mohammad **Khazaee**
Ambassador
Permanent Representative

United Nations S/2007/651

Security Council

Distr.: General
5 November 2007

Original: English

Letter dated 5 November 2007 from the Secretary-General addressed to the President of the Security Council

Pursuant to Security Council resolution 1031 (1995), I have the honour to convey the attached letter dated 2 November 2007, which I received from the High Representative for Bosnia and Herzegovina, transmitting the thirty-second report on implementation of the Peace Agreement, covering the period from 1 April 2007 to 30 September 2007 (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

07-57844 (E) 071107

Annex

Letter dated 2 November 2007 from the High Representative and European Union Special Representative in Bosnia and Herzegovina addressed to the Secretary-General

Pursuant to Security Council resolution 1031 (1995), in which the Council requested the Secretary-General to submit to it reports from the High Representative in accordance with annex 10 to the General Framework Agreement for Peace in Bosnia and Herzegovina and the conclusions of the London Peace Implementation Conference of 8 and 9 December 1995, I herewith present to you the thirty-second report (see enclosure). I would ask for this report to be distributed to the members of the Security Council for their consideration.

This is my first report to the Secretary-General since assuming the office of High Representative for Bosnia and Herzegovina (and European Union Special Representative) on 2 July 2007. The present report covers the period from 1 April 2007 to 30 September 2007.

Should you or any member of the Security Council require any information beyond what is offered in the report or have any questions regarding its contents, I should be pleased to provide further information.

(*Signed*) Miroslav **Lajčák**
High Representative and European Union Special Representative
in Bosnia and Herzegovina

Enclosure

Thirty-second report of the High Representative for Bosnia and Herzegovina

1 April-30 September 2007

Summary

The present report covers the period from 1 April to 30 September 2007. During this time, there has been almost no progress in addressing the reform agenda and Bosnia and Herzegovina has moved no closer to initialling a Stabilization and Association Agreement with the European Union. This is despite the fact that the overwhelming majority of citizens of Bosnia and Herzegovina wish to see progress with regard to the relationship with the European Union.

While tensions over Srebrenica in the wake of the Judgment of the International Court of Justice have lessened, overall, we have witnessed a deterioration of the political situation.

There have been important developments during the month of October which will be of interest to the Security Council. These are reflected in the Declaration of the Steering Board of the Peace Implementation Council of 31 October (see appendix).

I will continue to exercise my mandate as High Representative in order to ensure full respect of the Dayton Peace Agreement. I will also continue to do my utmost to help overcome the challenges facing Bosnia and Herzegovina at this moment and to facilitate steps that can contribute to stability and progress.

I. Introduction

1. This is my first report to the Secretary-General since assuming the office of High Representative for Bosnia and Herzegovina (and European Union Special Representative) on 2 July 2007. It also covers the final three months of the mandate of my predecessor, Christian Schwarz-Schilling. As has been the norm, the report assesses progress made towards attaining the goals outlined in previous reports, reviews developments during the reporting period and provides my assessment of mandate implementation in the more important spheres.

II. Political update

General political environment

2. The fallout from the February 2007 ruling by the International Court of Justice in the suit filed in 1993 by the former Republic of Bosnia and Herzegovina against the former Federal Republic of Yugoslavia continued to define domestic politics during the first half of the reporting period. Bosniak demands that Srebrenica should have a special status outside the Republika Srpska, failing which returnees would abandon this one time United Nations "safe area" on the twelfth anniversary of its fall to Serb forces on 11 July, led to the establishment in April of a tent camp in Sarajevo. The camp lasted for some three months, during which time certain Bosniak political leaders sought to use the Srebrenica genocide as a means of attacking both the constitutional order and the legitimacy of the Republika Srpska.

3. The contention over Srebrenica impacted upon the Presidency of Bosnia and Herzegovina in mid-April when its then Serb chairman, Nebojša Radmanović, invoked a "vital entity interest" objection to a decision by his two colleagues to demand that Serbia should fulfil its obligations under the verdict of the International Court of Justice. The National Assembly of the Republika Srpska duly upheld the chairman's veto.

4. The Government of the Republika Srpska acted responsibly on a practical level in defusing tensions over Srebrenica and other towns in the eastern part of the Republika Srpska. It appropriated development funding for the Srebrenica region. This contributed to an overall effort identifying the economic, social, security and juridical improvements that could be made benefiting all Srebrenica area residents. These efforts were led by Clifford Bond, whom Dr. Schwarz-Schilling appointed as his Envoy to the Srebrenica region in early May. Such efforts set the scene both for the dismantling of the tent camp in Sarajevo and the peaceful commemoration of the Srebrenica anniversary, accompanied by the funerals of several hundred recently identified victims of the 1995 massacres.

5. Unfortunately, August and September again saw a deterioration of the political atmosphere due to negative rhetoric coming from both Serb and Bosniak parties.

6. Despite repeated calls by the political leaders of the Republika Srpska to recover the entity's former powers, no such initiative was launched during the reporting period. Nikola Špiric, chairman of the Council of Ministers, acknowledged that the consent of both entity parliaments and the Parliamentary Assembly of Bosnia and Herzegovina would be required for any formally transferred competencies to be retrieved.

7. As is described in detail below, late August and all of September were dominated by efforts to forge a political agreement on police reform sufficient to unlock a Stabilization and Association Agreement with the European Union during 2007.

Constitutional reform

8. There is a broad consensus among Bosnia and Herzegovina parties and civil society that the constitution provided by annex IV to the Dayton Peace Agreement can provide neither functional and efficient State institutions nor a system capable of satisfying the demands of Euro-Atlantic integration. Although constitutional reform remained a high-profile and much debated issue during the reporting period, little concrete progress was recorded, owing both to the domestic authorities' concentration on police reform, which became a surrogate arena for debating constitutional matters, and to the contradictory views on what the substance of any constitutional reform should be.

9. The package of amendments narrowly defeated in the House of Representatives of Bosnia and Herzegovina in April 2006 was effectively discarded, including by some of the parties that had originally supported it. Developments in the period centred instead on articulation by the major parties of guiding principles for new rounds of negotiations. Parties in the Republika Srpska argued for an explicitly federal or confederal State organization in which their entity, in its existing confines, would be one of two, three or more federal units.

10. The five Croat parties that regard constitutional reform as the most pressing issue for their constituents — and insist that it take place during my mandate — signed a joint declaration on the principles that should underlie a new constitution in late September. Their declaration foresees the elimination of the current two-entity structure and the creation of a decentralized State with three levels of authority: State, middle and local. The declaration suggests support for a federal structure, but not one that would leave the Republika Srpska intact. There are indications that a "territorially discontinuous" Croat federal unit, which would link politically separate Croat majority areas in Herzegovina and Posavina, could be a central demand of the Croat parties during any future constitutional-reform talks.

11. On the Bosniak side, a Party for Democratic Action (SDA)-Party for Bosnia and Herzegovina (SBiH) working group produced a platform in September, but its scheduled signature has been postponed as a result of both the pressures of the police-reform talks and the differences between the two parties that emerged during them. SDA and SBiH insist on the need for a wholly new constitution that would scrap an electoral system that violates the protocols of the European Convention on Human Rights and replace it with one that gives preference to individual rather than national or entity rights. Their draft platform, which has not been agreed formally between the two parties, argues for Bosnia and Herzegovina to be composed of at least five multinational regions based on functional, economic, geographical, transport, historical and national or ethnic criteria.

12. Constitutional reform remains an imperative for Bosnia and Herzegovina for both political and functional reasons. Finding common ground and providing the country with a more functional, efficient, legitimate and stable constitutional order will be a major challenge, given the differences.

III. European Partnership requirements

13. Although Bosnia and Herzegovina successfully completed the technical negotiations on a Stabilization and Association Agreement with the European Union late in 2006, Bosnia and Herzegovina has not moved forward regarding initialling and signing the Agreement because there has not been sufficient progress on the four key political requirements of the European Union (police restructuring, cooperation with the International Tribunal on the Former Yugoslavia, public administration reform and public broadcasting reform).

Police restructuring

14. Despite signs of progress at a meeting of Serb and Bosniak leaders on 14 March, the ensuing four months saw no further movement towards a political agreement on the basis of the report of the Directorate for Police Restructuring Impiementation that would enable Bosnia and Herzegovina to initial and sign a Stabilization and Association Agreement with the European Union.

15. In July, following my appointment as High Representative and European Union Special Representative, I met with all the major party leaders, encouraging them to move forward on police reform and the Stabilization and Association Agreement in a spirit of compromise. I also set a deadline of 30 September for the parties to reach an agreement, which was the cut-off date for inputs to the progress report of the European Commission on Bosnia and Herzegovina.

16. In the absence of any domestic political initiatives, at the end of August I presented a draft protocol on meeting the police reform requirements necessary for initialling and signing the Stabilization and Association Agreement. The proposal combined essential elements of earlier documents, including the report of the Directorate and solutions discussed at the 14 March negotiations, describing the institutional features of the future policing system. The protocol also contained timelines, obliging the signatories to ensure a transfer of competencies from the cantons and entities to the State and the adoption of key legislation regulating the reform.

17. Following bilateral meetings with party chiefs at which I presented my proposal, my office succeeded in convening and chairing several rounds of technical-level negotiations among the eight major parties between 12 and 28 September. However, these failed to achieve an agreement based on the protocol. The Republika Srpska-based parties, in particular, showed very little flexibility.

18. On 28 September, the leaders of SNSD and SBiH, Milorad Dodik and Haris Silajdžić, negotiated, signed and forwarded to me a separate protocol of their own. This document lacked crucial details in several areas, making it impossible to assess whether or not it fulfilled the three European Union principles. Mr. Dodik failed to respond to repeated requests for clarification of the document's provisions. Contradictory interpretations of it offered to the media by the two party leaders suggested that there was no common understanding on key aspects.

19. Having consulted with European Union institutions, I therefore issued a statement on 4 October noting that the proposal of Messrs. Dodik and Silajdžić neither fulfilled the three European Union principles nor enjoyed the support of the majority of parties. On the other hand, the fact that they had belatedly sought to

engage with the issue was sufficiently encouraging to cause me to extend the deadline for a general agreement by a few days. I subsequently announced that the final deadline would be 15 October, on which day I would be obliged to report to the European Union on whether or not Bosnia and Herzegovina could possibly qualify for a Stabilization and Association Agreement.

20. On 10 October, the two main Croat parties produced a new proposal that appeared to be in line with the European Union principles and incorporated elements from both my protocol and the proposal of Messrs. Dodik and Silajdžić. Sadly, the meeting of party leaders called in Sarajevo on 11 October to discuss the Croats' draft failed to reach any agreement.

21. On 28 October, the leaders of the six government coalition parties met in Mostar and agreed on a declaration on police reform. As the Steering Board of the Peace Implementation Council has pointed out, the declaration can serve as the starting point, but concrete steps are needed to demonstrate that this is a serious effort and to allow for progress towards conclusion of a Stabilization and Association Agreement.

IV. Entrenching the rule of law

22. In addition to police reform, my office has continued to focus on facilitating and consolidating the implementation of other rule of law reforms, especially those that aim to build the capacity of the justice sector.

23. In close coordination with other members of the Peace Implementation Council, the Office of the High Representative has worked over the reporting period with the Ministry of Security of Bosnia and Herzegovina, the State Investigation and Protection Agency, the Border Police and the entity and cantonal interior ministries and police forces to enhance their effectiveness, particularly in the fight against organized crime. We have also worked to improve the capacity of the recently formed Service for Foreigners' Affairs of Bosnia and Herzegovina.

24. The Office of the High Representative convened two brainstorming sessions on justice-sector reforms that had been identified as necessary by the domestic authorities. Thanks to donor support pledged at the first session, partial funding for the building of a State prison has been secured. A high-security facility is necessary to ensure appropriate accommodation for persons convicted of war crimes and other serious crimes. The escape of convicted war criminal Radovan Stanković from a Republika Srpska prison in May highlighted the urgency of this need. Additional funds are still required, however, and I will support the Ministry of Justice in its attempts to secure the requisite funding from international and domestic sources.

25. Several items on the reform agenda concern the processing of war crimes. The Ministry of Justice has created a working group tasked with drafting a State war crimes strategy, which is necessary if all war crimes are to be prioritized and processed.

26. The brainstorming sessions also considered several proposals for the reorganization of the current system that aim to ensure the uniform application of criminal legislation and jurisprudence throughout the country. The Office of the High Representative will assist the domestic authorities in examining and applying these proposals.

27. The Office of the High Representative continues to monitor the successful transition by the Registry of the State Court to full domestic ownership, anticipated by the end of 2009.

V. Cooperation with the International Criminal Tribunal for the Former Yugoslavia

28. Cooperation with the International Criminal Tribunal for the Former Yugoslavia has been a priority for me. There was some progress during the reporting period. On 31 May the Republika Srpska police, acting in coordination with their Serbian counterparts, arrested Tribunal fugitive Zdravko Tolimir near the Serbian border. He was soon transferred to The Hague. With the arrest in Montenegro of Viastimir Djordjević in June the number of Tribunal fugitives was reduced to four.

29. In July, I ordered the seizure of passports and travel documents of 93 persons being investigated for war crimes committed in and around Srebrenica in 1995, 35 of whom were subsequently suspended from their posts in the Republika Srpska police. Following consultation with the International Criminal Tribunal for the Former Yugoslavia, I also removed a former Republika Srpska police director, Dragomir Andan, from his position as the head of training for the Republika Srpska police.

30. Several complex war crimes trials are proceeding in the State Court. There have also been clear signs that progress is being made in improving coordination between State and entity agencies in targeting fugitives' support networks.

31. With the aim of reinforcing the team from the State Prosecutor's Office that is investigating persons who may have participated in the Srebrenica genocide, the Office of the High Representative successfully lobbied potential donors for contributions towards hiring former investigators of the International Criminal Tribunal for the Former Yugoslavia. Funding for two investigators was secured and two individuals have been hired. Further funding appears to be available to continue reinforcing this effort.

32. I will continue to monitor the work of the Bosnia and Herzegovina authorities, particularly those of the Republika Srpska, to ensure that both cooperation with the International Criminal Tribunal for the Former Yugoslavia and the pursuit of war criminals generally are intensified.

VI. Reforming the economy

33. Despite the difficult political environment, Bosnia and Herzegovina is in its fourth year of stable economic performance, with growth in the gross domestic product estimated at 6 per cent in 2007. Inflation in the first quarter of 2007 was just 1.5 per cent. The current account deficit dropped from 21.3 per cent of the gross domestic product in 2005 to 11.4 per cent in 2006 and will probably shrink further once corrections for underreporting of current receipts have been made. The trade deficit fell from 49.6 per cent in 2005 to 37.1 per cent in 2006, although further improvements are unlikely for the time being as export expansion has slowed in 2007 and imports have again increased. The total fiscal surplus was 3 per cent of the

gross domestic product in 2006, which resulted mainly from a surge of revenues following the introduction of value-added tax.

34. The windfall represented by high collection rates of indirect taxes has not, however, facilitated either an agreement on a permanent mechanism for revenue allocation between the entities or provided a remedy for fiscal challenges that lie ahead. In particular, pre-election spending and the currently lax and uncoordinated fiscal regime could cause a sharp deterioration in the State Government's balance sheet. The State Government could have a deficit of up to 1.5 per cent of the gross domestic product in 2007, which highlights the urgent need to establish a national fiscal council that would ensure proper fiscal coordination and macroeconomic stability.

35. It is also worth noting in this context that public-sector wages in both the entities and cantons have almost reached parity with those of State institutions. If this trend continues, this would merely exacerbate the problem of a disproportionately large public-sector wage bill. A State-level law on public salaries that aims to rationalize the system is currently being drafted.

36. There has been little or no progress in reforming the business environment. Not only do relevant laws (such as those on obligations and pharmaceuticals) remain blocked for national-political and/or patronage reasons, but there also appears to be a tendency, primarily in the Republika Srpska, to adopt partial and uncoordinated solutions. Examples include laws recently adopted in the Republika Srpska on fiscal registers and natural gas, over which there was neither consultation nor coordination with the State or Federation authorities.

37. Far from enhancing the single economic space, such isolated initiatives contribute to its disintegration. They also discourage investment and sustain high unemployment rates. The latter is estimated to total 31.1 per cent, with 20 per cent of the population living below the poverty line and another 30 per cent hovering around it. This situation impacts negatively upon economic recovery and widens the gap between Bosnia and Herzegovina and other transition countries. It also imperils the country's prospects for European Union integration, overshadowing such rare positive developments as ratification by Bosnia and Herzegovina of the Central European Free Trade Agreement treaty in September.

38. To highlight the challenges, the Office of the High Representative hosted an economic conference on 16 October that brought together the international community, domestic policymakers and business leaders. The conference successfully put economic issues back at the centre of public debate and created a platform for dialogue on the needs of the Bosnia and Herzegovina economy, including measures to improve living standards in the short term. Most importantly, it resulted in a platform for action — signed by the State and entity prime ministers and the mayor of Brčko District — that singles out what needs to be done to improve fiscal coordination, create a better business environment and promote reforms ensuring sustainable economic development.

VII. Public administration reform

39. A new State-level public administration reform coordinator took office during the reporting period. The Bosnia and Herzegovina Presidency accepted and signed a

memorandum of understanding on a public administration reform fund. These were signals that the public administration reform process can finally commence in Bosnia and Herzegovina.

40. My office will continue to advise and assist the relevant authorities in order to ensure that the process can proceed without further undue delays. Initiating the implementation of the comprehensive public administration reform action plan is a key short-term priority of the country's European Partnership and a condition for signing a Stabilization and Association Agreement.

VIII. Defence reform

41. All three prime ministers signed a document entitled "Principles on defence property" in July that addresses the issue of moveable and immoveable defence property. A legal working group charged with translating those principles into legal and political reality began work in September, but has made little progress.

42. Elsewhere, the business of implementing the essential elements of the defence reform continued. Bosnia and Herzegovina hosted its first planning and review process assessment with the North Atlantic Treaty Organization (NATO) in September. This biennial planning cycle provides an important tool for enhancing interoperability between Bosnia and Herzegovina and NATO. Bosnia and Herzegovina has undertaken to provide information on a wide range of subjects for each two-year cycle, including defence policy, developments with regard to the democratic control of the armed forces, State policy relating to Partnership for Peace cooperation, and relevant financial and economic plans. The results of the September assessment were generally positive. Officials of Bosnia and Herzegovina have quickly adapted to the demands and pace of the process and will improve the quality of their input as the planning and review process proceeds.

IX. Intelligence reform

43. The Intelligence and Security Agency of Bosnia and Herzegovina continued to develop its operations in the fields of organized crime, counter-terrorism and war crimes. Cooperation with law enforcement agencies remains satisfactory, but the obvious inefficiencies of the country's policing and judicial systems limit the impact of these efforts. Cooperation with global and regional partners has become routine and continues to evolve. Although the situation is gradually improving, there are still deficiencies regarding information technology and equipment. The transfer of ownership of moveable and immoveable property from the entities to the State remains unresolved.

X. European Union military mission in Bosnia and Herzegovina

44. Consonant with the prevailing security situation in Bosnia and Herzegovina, the European Union military mission in Bosnia and Herzegovina (EUFOR) completed its transition to a reduced force structure of some 2,500 ahead of schedule. It should be noted, however, that the presence of EUFOR on the ground provides crucial reassurance which remains necessary. Given the current

environment, I welcome the fact that EUFOR retains the capacity to deploy troops throughout the country at short notice as well as the capability to bring in over-the-horizon reserves.

XI. Return of refugees and displaced persons

45. The Office of the High Representative handed over responsibility for implementing annex 7 to the General Framework Agreement on the return of refugees and displaced persons to the domestic authorities in December 2003, when property repossession was nearly complete and new legislation had been passed establishing the necessary State organs and coordination mechanisms for dealing with this issue. Property repossession has since been completed throughout the country, all municipalities having processed outstanding first-instance applications for the repossession of dwellings.

46. It is virtually impossible to offer a reliable estimate of the number of people who have returned physically or permanently to their pre-war homes. The number of potential returnees grows smaller with the passage of time. A recent reregistration exercise undertaken by the Ministry for Human Rights and Refugees indicated that there are still 130,000 displaced persons in Bosnia and Herzegovina seeking to return to their pre-war homes.

47. This autumn, the Ministry of Human Rights and Refugees started to review its strategy for completing the implementation of annex 7. My office and the Office of the United Nations High Commissioner for Refugees (UNHCR) support this exercise. The strategy will focus especially on sustaining the returns process.

48. Both returnees and those still seeking to return continue to need and deserve the support and attention of both international and domestic agencies. Too many in both categories remain without the basic conditions for rebuilding a dignified, sustainable and stable existence.

XII. Mostar

49. Although direct intervention by my predecessor was necessary to resolve several political disputes in Mostar during the previous reporting period, I am pleased to report that such high-level intervention has not been required in the city over the past six months. Decisions of the Office of the High Representative related to urban planning and the arbitration decision on Croat-controlled Hercegovačka Radio-Television have been satisfactorily implemented by the city administration, if not yet by the cantonal government in the case of Hercegovačka Radio-Television.

50. At the same time, Mostar remains at the epicentre of Bosniak-Croat relations in Bosnia and Herzegovina, and the two national-political elites' divergent interests retain the potential to shake the foundations of unification.

51. Finally, the future status of the Mostar Statute, with its special electoral rules aimed at preserving national-political balance and powersharing — which weathered a legal challenge mounted by the Croats before the Federation Constitutional Court in April — remains uncertain. Because it has not been adopted by the City Council, and is unlikely to be endorsed in an election year, the Office of the High

Representative remains the primary protector of the Statute until such time as local bodies formally enact it.

52. With regard to Herzegovina-Neretva Canton, it proved necessary for me to set a deadline of 1 August to ensure formation of a new cantonal government — 10 months after the general elections. This deadline was met.

XIII. Brčko District

53. Politics in Brčko District remained relatively stable over the reporting period. The District, however, cannot but be affected by the troubled political situation prevailing in the country as a whole.

54. In April my predecessor enacted changes to the Law on the Indirect Taxation Authority. These amendments guaranteed the district a minimum revenue share in allocations from the Authority's single account, the absence of which had led the district to lodge a formal complaint with the Arbitral Tribunal that it was being short-changed. The decision had the effect of obviating the need for the Tribunal to proceed.

55. In mid-2007, the Supervisor enacted several amendments to District legislation, providing for a comprehensive overhaul of redundant laws. The District Assembly also passed a law on real estate tax.

56. The performance of the Government has improved. It has successfully attracted outside investments and seems to be beginning to appreciate the importance of marketing to foreign investors. On the other hand, alleged chaos in the health care and education services has been the subject of recurrent criticism. Majority decision-making in the Government replaced executive decisions by the mayor as a result of a supervisory order amending the District Statute in February. This new system seems to have worked well.

57. In September, both houses of Parliament of Bosnia and Herzegovina adopted a law on amendments on the law on the Council of Ministers that establishes the Brčko District Coordinator's Office as a permanent body in the Council of Ministers. However, Brčko officials are looking for further measures that will secure the position of the district within Bosnia and Herzegovina.

XIV. Bosnia and Herzegovina and the region

58. As a State still lacking a full political consensus about how its multinational citizenry should live together, Bosnia and Herzegovina cannot help being affected by developments in the region. Not only do the domestic politics of Croatia, Montenegro and Serbia impact upon it to varying degrees, but Serbs, Croats and Bosniaks all identify with their co-nationals across the borders of Bosnia and Herzegovina.

59. Kosovo's future status has been the subject of discussion and of political statements in Bosnia and Herzegovina. Until recently, there were few statements by the political parties in the Republika Srpska and the Government of Serbia to link the fates of Kosovo and the Republika Srpska. However, over the past weeks we have witnessed an increasing number of such statements being made.

60. In the late summer the Republika Srpska government signed an updated version of its special parallel relations agreement with Serbia and announced the launch of several joint projects in the energy sector. There was some criticism of this, especially in the Bosniak camp.

61. The Government of Croatia announced that construction of a bridge from the mainland to the Pe1ješac peninsula (which would obviate the need for road traffic between northern and southern Dalmatia to cross Bosnia and Herzegovina territory at Neum) would commence in October. The Presidency assigned to the Council of Ministers the task of gathering full information on the matter, including with regard to Bosnia and Herzegovina access to the sea and territorial integrity.

62. Continuing inadequacies in judicial cooperation among Serbia, Croatia, Montenegro and Bosnia and Herzegovina, particularly over war crimes prosecutions, was evident in the period, occasioned by the arrest and indictment in Belgrade of a Bosnia and Herzegovina citizen accused of war crimes against the former Yugoslav Peoples Army in Tuzia in 1992. Bosnia and Herzegovina has not been able to secure the man's extradition for possible trial in Bosnia and Herzegovina.

63. Finally, it must be noted once again that the failure of Bosnia and Herzegovina to secure a Stabilization and Association Agreement with the European Union has exposed it to the risk that it will fall well behind its neighbours. Croatia is engaged in negotiations on European Union membership and Montenegro signed its agreement in mid-October. Serbia, for its part, has completed negotiations on an agreement and may initial the agreement before the end of the year.

XV. European Union Police Mission

64. During the reporting period, the European Union Police Mission concentrated on the fight against organized crime and corruption. Through its Criminal Justice Interface Unit and in close coordination with the Office of the High Representative/European Union Special Representative, the Mission promoted better relations between police and prosecutors. The Mission also engaged in monitoring and supporting the development of best practices in the work of the domestic police, in particular by ensuring improved police accountability. It was also engaged on police reform matters, including providing support to the High Representative in his efforts to achieve an agreement. The Mission supported the strengthening of State-level law enforcement agencies (the Border Police and the State Investigation and Protection Agency), especially through co-location.

65. The current European Union Police Mission mandate expires in December 2007. However, the European Union has indicated its willingness to extend the Mission for another two years in roughly the same shape and size. The Presidency of Bosnia and Herzegovina requested such an extension on 19 September.

XVI. Non-certification of police officers

66. Following contacts between the United Nations, Bosnia and Herzegovina institutions and the Office of the High Representative/European Union Special Representative, the President of the Security Council wrote to the Permanent

Representative of Bosnia and Herzegovina to the United Nations on 30 April informing him that the Security Council had lifted the lifetime ban on employment in police agencies by persons who had been denied certification by the former United Nations International Police Task Force, so permitting these onetime police officers to apply for vacant positions in the police services under the conditions of employment prescribed by Bosnia and Herzegovina legislation.

67. In May the Council of Ministers of Bosnia and Herzegovina annulled its earlier decision to establish a review commission for these cases, which had been contrary to provisions of Security Council resolutions, and adopted a decision establishing a monitoring team to prepare an action plan for implementation of activities defined in the letter of the President of the Security Council. The Council of Ministers dissolved the monitoring team on 28 June, however, because its proposed action plan was not in line with the solution foreseen in the President's letter.

68. The Office of the High Representative presented the letter of the President of the Security Council to the Police Steering Board in July and briefed its members (comprising senior managers of State, entity and Brčko District law enforcement agencies) on the need to adopt or amend legislation at all relevant levels in conformity with the letter. The Office of the High Representative conveyed the same message shortly afterwards to a meeting of the 10 cantonal police commissioners and interior ministers chaired by the Federation minister of the interior. On 16 August the Federation ministry forwarded model amendments, drafted by the Office of the High Representative and the European Union Police Mission, to the cantonal ministers and police commissioners.

69. One cantonal assembly (Goražde-Podrinje) has adopted the required amendments, while other jurisdictions are in the process of drafting, amending or adopting the necessary legislation. I will continue to monitor the legislative processes currently under way and work to ensure that Bosnia and Herzegovina fulfils its obligations to the United Nations with regard to police officers denied certification by the International Police Task Force.

XVII. Media development

70. The Federation Parliament passed a second Public Broadcasting System law in July, amending the previous draft to take account of the Federation Constitutional Court's decision on the Croats' previous invocation of vital national interest. The Croats, however, once more claimed a vital national interest. Following a failed effort by the parliamentary Harmonization Commission to resolve the matter, it was returned to the entity's Constitutional Court.

71. In September, the Constitutional Court of Bosnia and Herzegovina finally convened to discuss the constitutionality of various provisions of the State-level Public Broadcasting System law, as requested in 2005 by a then member of the Presidency, Ivo Miro Jović. The Court reached no decision other than to schedule a public hearing, following which it would reconsider the issues at stake.

72. Ensuring the independence of the Communications Regulatory Agency is also a European Partnership requirement. Unfortunately, the appointment of a new director has become caught up in the larger political game, with Republika Srpska

representatives opposing the reappointment of the current director in the face of the unanimous vote by the Council of the Communications Regulatory Agency to reappoint him.

XVIII. Mission implementation plan and the workplan of the Office of the High Representative

73. At the end of April, the Steering Board of the Peace Implementation Council approved a revised workplan of the Office of the High Representative. As has been noted throughout the present report, the general political situation has led to stagnation in the reform agenda. There is thus little progress to report beyond the adoption of the long-delayed Higher Education Law of Bosnia and Herzegovina and the ratification of the Central European Free Trade Agreement. The commitment of some political parties and their leaders to the reform agenda remains in doubt. The stalemate on police reform, the lack of progress on constitutional reform, the verdict of the International Court of Justice, and regional developments all contributed to an unfavourable political environment for achieving the reforms to which the Office of the High Representative is committed. At the time of writing, it appears that there is every possibility that the current stalemate will continue.

74. Progress worthy of note has been made on four of the 22 items contained in the revised workplan of the Office of the High Representative, namely with regard to the Higher Education Law of Bosnia and Herzegovina, internal debt and two items related to Brčko District. The Office of the High Representative will continue to engage with the authorities of Bosnia and Herzegovina to secure the implementation of the reform agenda, but progress will not come easily.

XIX. European Union Special Representative

75. In line with my mandate as European Union Special Representative in Bosnia and Herzegovina (Council decision 2007/427/CFSP), I continued to promote the priorities listed in the European Partnership document of 2006, as well as the implementation of the Dayton Accords (General Framework Agreement for Peace). In my capacity as European Union Special Representative, I have also continued to coordinate and ensure the coherence of the European Union presence in Bosnia and Herzegovina, in particular with regard to the European Union Police Mission and EUFOR.

XX. Future of the Office of the High Representative

76. It will be recalled that in February the Steering Board of the Peace Implementation Council determined that the Office of the High Representative would remain in place and continue to carry out its mandate under the Dayton Peace Agreement, ensuring full respect of the Agreement. In June, the Steering Board confirmed this determination. It expressed the view that the aim was closure of the Office of the High Representative by June 2008. The Steering Board reviewed the situation at its meeting on 30 and 31 October without discussing the possibility of closure of the Office. It agreed to review the situation at its next meeting at the political directors' level in February (see appendix).

XXI. Reporting schedule

77. In keeping with my predecessors' proposals to submit regular reports for onward transmission to the Security Council, as required by the Council in its resolution 1031 (1995), I herewith present my first regular report. Should the Secretary-General or any Security Council member require information at any other time, I should be pleased to provide an additional written update.

Appendix

Declaration by the Steering Board of the Peace Implementation Council, 31 October 2007

The Political Directors of the Peace Implementation Council Steering Board met in Sarajevo on 30 and 31 October 2007. The Chairman and Ministers of the Council of Ministers as well as leaders of the governing coalition were present during parts of the meeting.

In line with the decision taken at its June meeting, the Steering Board reviewed the situation in Bosnia and Herzegovina. Since then, the situation in Bosnia and Herzegovina has deteriorated further. Responsibility lies with political leaders from both entities who have blocked progress and undermined the political situation with their aggressive rhetoric. The situation is now of the utmost concern to the international community. The Steering Board underscores that it is time for Bosnia and Herzegovina politicians to end the practice of questioning the fundamental structure of the state or its component parts.

Bosnia and Herzegovina urgently needs reform to build the kind of modern, efficient State that can take its place in Euro-Atlantic institutions and fulfil the promise of the Dayton Peace Agreement. This can only be achieved through compromise.

However, since June, Bosnia and Herzegovina has moved no closer to initialling a stabilization and association agreement. Some political leaders have not honoured their previous commitments to meet European Union requirements. These requirements must be fulfilled if the country is to conclude a stabilization and association agreement. Bosnia and Herzegovina leaders should adopt a positive approach, based on full respect for the Dayton Peace Agreement and dialogue. The Mostar Declaration of 28 October can serve as the starting point for a positive reengagement of the government coalition parties. Concrete steps are now needed to demonstrate that this is a serious effort. If they follow up, Bosnia and Herzegovina would be able to progress towards conclusion of the stabilization and association agreement.

Given the lack of progress on key reforms, a focus on completing implementation of the Dayton Peace Agreement, including efforts to tackle the evident dysfunctionality of state institutions, is necessary. The Steering Board fully supports this approach.

The Steering Board of the Peace Implementation Council also supports the High Representative's decisions and proposed actions, which are fully in line with his mandate and the Constitution of Bosnia and Herzegovina. The only objective of these measures is to streamline the decision-making process in the Council of Ministers and the Parliament, and they are necessary for speeding up the reform process. Certain political leaders have overreacted to these measures in order to create a political crisis. They have also challenged the legitimacy and authority of the High Representative and Peace Implementation Council. In particular, the

Steering Board calls upon leaders of the Republika Srpska to abide by their obligations.[1]

The Peace Implementation Council welcomes the High Representative's initiative to provide a note explaining that the measures maintain the constitutional protection of constituent peoples and entities. We encourage legal experts of the Republika Srpska to engage constructively with legal experts of the Office of the High Representative on the explanatory note.

The Steering Board reminds all signatories and parties of their obligation under annex 10 to the Dayton Peace Agreement to cooperate fully with the High Representative and his staff. Decisions of the High Representative must be fully respected and promptly implemented.

The Steering Board reiterates that it will not remain passive in the face of provocative statements or acts. Any Bosnia and Herzegovina political leader or institution that challenges the High Representative and the Steering Board will be subject to appropriate measures. The Steering Board underlines that the international community retains the necessary instruments to counter destructive tendencies and that it will not allow attempts to undermine the Dayton Peace Agreement, whether from inside or outside the country.

The Steering Board underlines that Bosnia and Herzegovina is a recognized sovereign State whose territorial integrity is guaranteed by the Dayton Peace Agreement. The Steering Board recalls that the Constitution of Bosnia and Herzegovina recognizes that Bosnia and Herzegovina consists of two entities and that Bosniacs, Croats and Serbs are constituent peoples. The Steering Board of the Peace Implementation Council remains committed to the principles on which the General Framework Agreement for Peace is founded and notes that the High Representative's measures in no way change these principles.

The Steering Board also re-emphasizes its concern regarding suggestions that certain reforms could be reversed unilaterally by entity decisions retrieving competencies previously transferred to the state. An entity cannot withdraw unilaterally from a previously agreed reform. The consolidation of State-level institutions must continue.

In this context, the Steering Board deplores the lack of progress regarding the transfer from the entities to the State of all property needed for defence purposes as required by the Defence Law. The Steering Board stresses the urgent need to resolve this issue and requests the High Representative to engage with the parties and take appropriate measures to bring this issue to a conclusion by the end of the year.

[1] The Russian Federation expressed its special opinion regarding the measures of the High Representative. The Russian Federation expressed its deepest concern by the consequences of the measures taken by the High Representative that change the procedures of the adoption of decisions by the Council of Ministers and the Parliamentary Assembly of Bosnia and Herzegovina. Taking into account the lack of agreement on these measures among the leaders of Bosnia and Herzegovina, the Russian Federation considered that the elaboration of the measures in a more stable environment would have been more productive. It was essential that the efficiency of institutions of Bosnia and Herzegovina be improved not in an atmosphere of growing tensions, but in a more stable context.

The Steering Board also deplores the fact that State and entity authorities have failed to reach an agreement apportioning the ownership and use of State property, despite the strong appeal that they do so issued by Political Directors in June 2007. It reminds the three prime ministers of the urgent need to reach an intergovernmental agreement on this question and requests the High Representative to undertake all appropriate measures to bring this issue to a conclusion.

The Steering Board calls upon Serbia, a Dayton signatory, as well as the authorities in Bosnia and Herzegovina, especially those in the Republika Srpska, to abide by their obligations under international law to cooperate fully with the International Tribunal for the Former Yugoslavia, playing a proactive role in apprehending all remaining indictees, including Radovan Karadzic and Ratko Mladić, without further delay, dismantling the networks offering support to such fugitives, and ensuring they are transferred to the Tribunal.

Also in that regard, the Steering Board welcomes the steps taken by the High Representative to augment the capacity of the authorities of Bosnia and Herzegovina to investigate and prosecute war crimes suspects.

The Steering Board of the Peace Implementation Council will review the situation at its next meeting, which will take place in Brussels on 26 and 27 February 2008.

United Nations S/2007/652

Security Council

Distr.: General
5 November 2007

Original: English

Letter dated 5 November 2007 from the Secretary-General to the President of the Security Council

Pursuant to Security Council resolution 1244 (1999), I have the honour to convey the attached report on the international security presence in Kosovo covering the period from 1 to 30 September 2007 (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

07-58315 (E) 061107

Annex

Letter dated 30 October 2007 from the Secretary-General of the North Atlantic Treaty Organization to the Secretary-General

In accordance with paragraph 20 of Security Council resolution 1244 (1999), I attach a report on the operations of the Kosovo Force covering the period from 1 to 30 September 2007. I would appreciate your making this report available to the members of the Security Council.

(*Signed*) Jaap **de Hoop Scheffer**

Enclosure

Monthly report to the United Nations on the operations of the Kosovo Force

1. This report covers the period from 1 to 30 September 2007.

2. As at 30 September 2007, the total number of troops in theatre was 15,314. This includes 2,389 troops from non-NATO countries.

Political situation

3. After meeting separately with the parties in London on 18 and 19 September, the European Union-United States-Russian Federation Troika held the first round of face-to-face talks between Belgrade and Pristina in New York on 28 September. The direct negotiations took place the day after the meeting of the Contact Group Ministers, also in New York on the sidelines of the General Assembly. No major breakthrough has been achieved so far in the negotiations.

Security situation

4. In spite of the uncertainty surrounding the status process and its outcome, the month of September has been relatively calm. The incidents reported include two firearms attacks against Kosovo Serb property with only material damage, and an explosion in a bar in Pristina which resulted in two persons killed and nine injured. The latter incident was of a criminal nature. The owner of the bar was allegedly involved in the killing of a Kosovo Police Service officer last month.

5. No incidents against the Kosovo Force (KFOR) were recorded in September. The threat level against KFOR is low.

6. A total of 308 incidents related to drugs (23), counterfeit currency (25), smuggling (8), explosions (3), miscellaneous criminal acts (105), illegal weapons possession (69), weapons and ammunitions seizure (23) and unexploded ordnance (52) were reported during this period. The total number of incidents is significantly lower than in August (416).

KFOR operations

7. The operation tempo remained steady. KFOR continues to maintain a safe and secure environment and to guarantee freedom of movement through the conduct of framework operations and intelligence-driven operations. KFOR is updating its contingency planning for possible incidents occurring in Kosovo throughout the negotiation period and immediately thereafter. In this respect, KFOR remains prepared to react to potential disturbances Kosovo-wide.

Compliance

8. The disciplinary board of the Kosovo Protection Corps (KPC) met on 18 September and decided to dismiss three KPC members for unauthorized absence, to confirm the suspension without pay of two KPC members pending criminal and disciplinary investigation, and to reinstate two KPC members suspended without pay since January 2007.

Kosovo Protection Corps

9. There was no recruitment campaign in September 2007.

10. The current active personnel establishment is 2,913. There are 194 (6.83 per cent) active ethnic minority members (170 male, 24 female). The total number of ethnic minorities remains the same as last month. The percentage of minorities within KPC remains short of the goal set by the Special Representative of the Secretary-General. There are 113 open posts left in the active personnel establishment list. The reserve list includes 2,000 positions, with 1,892 filled (including 48 ethnic minority members, which equates to 2.45 per cent). Moreover, two of the above-mentioned KPC members dismissed by the disciplinary board are members of a minority (one Croat and one Serb), which leads to a continuous decrease in minority members within KPC as long as no recruitment campaign is foreseen.

11. Training of KPC members continues according to plan. The Officer basic course ending in November (12 members) and the career course ending in January 2008 (18 members) have started. KPC has 16 new members in the university, bringing the total of KPC members attending university to 37.

12. During the month of September, there were eight ceremonies involving 163 KPC members. No incidents were reported.

Conclusion

13. The situation on the ground remains calm but the political uncertainty relating to the future status talks continues to be a source of tension, particularly among the students and within KPC. KFOR remains fully prepared to deal with unrest and would respond forcefully to any attempt to disrupt the political process, regardless of where it comes from.

United Nations S/2007/653

Security Council

Distr.: General
5 November 2007

Original: English

Report of the Secretary-General on the deployment of the African Union-United Nations Hybrid Operation in Darfur

I. Introduction

1. The present report is submitted pursuant to paragraph 6 of Security Council resolution 1769 (2007), by which the Council requested me to report every 30 days on the implementation of paragraph 5 of the resolution, which sets the following benchmarks for the deployment of the African Union-United Nations Hybrid Operation in Darfur (UNAMID):

(a) No later than October 2007, UNAMID shall establish an initial operating capability for the headquarters and establish financial arrangements to cover troop costs for all personnel deployed to the African Union Mission in the Sudan (AMIS);

(b) As of October 2007, UNAMID shall complete preparations to assume operational command authority over the light support package, personnel currently deployed to AMIS, and heavy support package and hybrid personnel by the transfer of authority;

(c) No later than 31 December 2007, UNAMID shall assume authority from AMIS.

The report covers steps taken towards these goals during the month of October 2007. A separate report will be submitted pursuant to paragraph 21 of resolution 1769 (2007).

II. Security situation

2. The overall security situation in Darfur continued to deteriorate during the month of October, with an increase in the use of violence by some parties. Heavy fighting took place in Adilla (Southern Darfur), Tawilla (Northern Darfur), and Muhajeriya (Southern Darfur).

3. On 8 October, Muhajeriya, a town under the control of SLM/Minnawi, was attacked reportedly by militia from the Maalya tribe. An Antonov aircraft of the Sudanese Armed Forces was reportedly seen circling the area during the attack but there was no evidence of aerial bombing. According to unconfirmed reports, 40 civilians were killed and scores more were injured during the attack. Some 20,000 civilians were forced to flee Muhajeriya and 29 international

07-57638 (E) 081107

non-governmental organization staff operating in the area had to be relocated owing to the insecurity. In response to the needs of the displaced population, humanitarian agencies were able to airlift and deliver some relief assistance to the population, many of whom had gathered around the AMIS group site.

4. On 24 October, the Justice and Equality Movement (JEM) announced that its forces had attacked Sudanese soldiers at the Defra oilfield (Kordofan region) and kidnapped two expatriate employees on 23 October. JEM claimed to have killed 20 Sudanese Armed Forces soldiers and captured three SAF vehicles in this attack. The Movement further warned that oil infrastructure and related foreign investment in the Sudan would be targeted in the future.

5. Attacks on humanitarian workers have also continued. During the 8 October attack on Muhajeriya, three locally hired non-governmental organization staff were shot and killed. On 12 October, one World Food Programme (WFP) driver was shot north of Nyala when attackers looted 25 bags of sorghum. Two other WFP drivers were killed at Abu Jabra (230 km south-east of Nyala) on 16 October.

6. The presence of militia and rebel groups in and around some internally displaced person camps has resulted in violence inside these camps. On 20-21 October, clashes in Kalma camp in Southern Darfur, caused in part by military action by the Government and rebel movements, have further placed at risk the 91,000 internally displaced persons living there. As a result, an estimated 10,000 to 15,000 internally displaced persons have reportedly fled the camp in fear for their lives. To avoid a further escalation of the situation, the United Nations and AMIS have met with state authorities to find a coordinated solution to the insecurity in the camp.

Chad-Sudan border

7. During the same reporting period, a significant deterioration of the security situation on the Chadian side of the Chad-Sudan border began to spill over into Darfur. A series of clashes between armed elements from the Tama and Zaghawa tribes claimed more than 20 lives in eastern Chad and on 16 October, the Government of Chad declared a 12-day state of emergency along Chad's eastern border. On 17 October, elements belonging to the United Front for Democratic Change crossed the border from Chad into Western Darfur with 60 vehicles. On 25 October, four of the main rebel groups signed a peace agreement with the Government of Chad under the auspices of the Libyan Arab Jamahiriya in Sirte. The agreement called for an immediate ceasefire, which, if implemented, would contribute to improving the stability of the country and the subregion.

Investigation of the attack on AMIS in Haskanita

8. Preliminary results of an investigation initiated by the AMIS Force Commander immediately after the attack on the AMIS military group site in Haskanita on 29 and 30 September suggest that the attack was conducted by rebels entering the camp in vehicles bearing the inscription "JEM". The motive of the attack appears to have been looting of AMIS logistical equipment. A joint African Union-United Nations investigation is under way, the results of which will be made public once finalized. The information that is available so far regarding the attack suggests that the need to deploy a robust and credible force to Darfur is urgent, and highlights the need for that force to be able to protect itself as well as civilians.

manner, to provide the requisite equipment for their troops, and to sustain themselves in a challenging environment.

14. The United Nations transmitted the list to the Government of the Sudan on 2 October. On 8 October, a United Nations team travelled to Khartoum to support UNAMID Force Commander Agwai in a meeting with Sudanese military officials to explain the rationale for the force configuration. The Government of the Sudan has not yet provided its views on the list. Chairperson Konaré and I feel strongly that this package of troop contributors fulfils the stated priorities, and any diminishment of its capacity would put the mission at risk. I look forward to the positive response of the Government of the Sudan on the UNAMID force composition because it is now critical to move towards deployment without further delay in order to meet the benchmarks set in resolution 1769 (2007).

15. Efforts towards the establishment of the initial police component of UNAMID have also moved forward. Commitments have been received for over 2,600 police officers and 28 Formed Police Units and the selection is being finalized with the African Union. The first of the UNAMID Formed Police Units, from Indonesia, is due to arrive in the mission area towards the end of the year.

VI. Logistical arrangements

16. On 26 September 2007, a combined United Nations-African Union inspection of AMIS assets and self-sustainment equipment concluded that AMIS infantry units do not have the equipment described in the United Nations table of allowances, nor the self-sustainment capability required from UNAMID troop-contributing countries on the date of the transfer of authority. At this time, AMIS troop-contributing countries continue to be reliant on donor equipment and donor- or African Union-contracted camp services. The provision of equipment and self-sustainment support to AMIS troops in advance of the transfer of authority is therefore an urgent priority. The United Nations and the African Union, together with AMIS partners, are working to finalize logistics issues and to put in place alternative support contracts for fuel, rations, catering and camp services.

17. Meanwhile, strategic deployment stocks continue to be prepositioned in El Obeid and in UNAMID camp locations in Nyala, El Fasher, El Geneina and Zalingei. The UNAMID training facility in El Obeid has been designed and is expected to be operational by 31 December 2007.

VII. Administrative and legal arrangements

18. The sole-source contract for camp construction and support services for the initial four UNAMID camps in Nyala, El Fasher, El Geneina, and Zalingei has been signed.

19. Additional transitional support arrangements have been initiated, including the verification — completed on 25 October — of AMIS personnel in order to allow the reimbursement of troop costs and daily allowances; the enhancement of AMIS communications equipment to facilitate command and control between the mission headquarters in El Fasher and AMIS and heavy support package units; and the transfer of assets from UNMIS to UNAMID.

20. Arrangements for the allocation of land and facilities at Nyala, El Fasher, El Geneina and Zalingei are ongoing. On 16 October 2007, the Government of Southern Darfur State signed a memorandum of understanding providing land in Nyala for UNAMID in accordance with the model status-of-forces agreement for peacekeeping operations. Authorities in El Fasher, El Geneina and Zalingei also agreed to provide suitable land.

21. The Government of the Sudan has granted permission to land heavy cargo aircraft in Khartoum and to position two UNAMID helicopters in Nyala. Efforts continue to resolve other outstanding issues, including with regard to permissions required to conduct night flying throughout all three Darfur States, which will be fundamental to implementing the UNAMID mandate.

VIII. Financial arrangements

22. The proposed budget for UNAMID for the period from 1 July 2007 to 30 June 2008 (A/62/380) was reviewed by the Advisory Committee on Administrative and Budgetary Questions in mid-October 2007 and is scheduled to be submitted to the Fifth Committee in November 2007.

23. In the meantime, as an exceptional measure outlined in my letter dated 2 October 2007 to the President of the General Assembly (A/62/379), substantial support to AMIS under the heavy support package provisions is being financed through the temporary use of the United Nations Mission in the Sudan resources. Upon approval by the General Assembly of the budget for UNAMID, expenditures incurred by UNMIS in support of AMIS will be reimbursed by UNAMID.

24. In addition, the reimbursement of AMIS troop-contributing governments, as required by paragraph 5 (a) of Security Council resolution 1769 (2007), is set to begin in mid-November 2007 for the month of October 2007.

IX. UNAMID interaction with the Government of Sudan

25. On 10 October, the Government of the Sudan established two national mechanisms by presidential decree to facilitate all aspects of peacekeeping operations in Darfur. The first is an inter-ministerial committee dealing with policy issues, which is chaired by Presidential Adviser Nafie Ali Nafie, and comprises the Ministers of Foreign Affairs, Interior, Defence, Finance, and Humanitarian Affairs, as well as the Director-General of the National Security and Intelligence Service. The second mechanism is a technical committee dealing with implementation activities in connection with the hybrid operation. It will be co-chaired by senior officials from the Ministries of Foreign Affairs and Defence, and will also include senior representatives of other government ministries.

X. Peace negotiations

26. In the meantime, the Darfur peace talks opened in Sirte, Libyan Arab Jamahiriya, on 27 October, under the leadership of the United Nations and African Union Special Envoys for Darfur, Jan Eliasson and Salim Ahmed Salim, respectively. Representatives of the Government of the Sudan as well as

18 representatives of non-signatory movements were present at the opening session. They represented the SLM G-19 — Khamees Abdullah; JEM Collective Leadership — Bahar/Banda; the National Movement for Reconstruction and Development — Khalil Abdullah; the Sudan Federal Democratic Alliance — Ahmed Ibrahim Diraige; the Revolutionary Democratic Forces Front — Salah Abu Surrah; and the United Revolutionary Force Front— Alhadi Agabeldour.

27. A number of leading personalities did not attend the opening session, including Khalil Ibrahim of JEM, Abdul Wahid of SLA/M, Abdallah Yehya of SLA/M Unity, Abdel Shafie of SLA/M, and Khamees Abdalla of SLA/M. However, representatives from civil society, including internally displaced persons, women and tribal leaders were also present. High-level representatives from the four regional partner countries (Chad, Egypt, Eritrea and the Libyan Arab Jamahiriya) and from the broader international community attended.

28. During the opening session, the Government committed itself to a unilateral cessation of hostilities. This commitment is welcome. Despite the announcement, however, the same day, two Government helicopter gunships fired seven missiles near a water point south of Jebel Moon (75 km north east of El Geneina). No casualties were reported, but the attack caused a fire. It is essential that all parties exercise maximum restraint while peace talks are under way and beyond.

29. Following the opening session, the Mediation has been holding closed meetings with the Government delegation and the movements. The movements are still not united on the way forward proposed by the Mediation. Some asked for more time for internal consultations and a recess of talks. Other movements highlighted the importance of maintaining momentum for the current process.

30. Plans are under way for a senior-level African Union-United Nations delegation to meet those movements in Juba and Darfur. Both in the Libyan Arab Jamahiriya and in the Sudan, the Mediation is discussing the agenda, format, structure, timing and substantive issues of the talks. There are indications that some of the movements that did not attend the opening session would be prepared to join the process in Sirte, with some preconditions, in the next few weeks.

XI. Observations

31. The situation in Darfur is at a crossroads. On one side, there is rising violence, while on the other there is an opportunity for peace through political negotiations, and through the deployment of a peacekeeping force that can help make a difference.

32. I am concerned that the security incidents over the past month and the continuing delays in the deployment of UNAMID could lead to a further deterioration in the situation on the ground. It is urgent, at this time, that those Member States which are in a position to contribute the missing transportation and aviation capabilities for UNAMID do so. Without these critical units, the mission will not be able to implement its mandate. The speedy and effective deployment of UNAMID also depends on the cooperation of the Government of the Sudan with regard to facilitating the acquisition of land, flight operations rights for United Nations aircraft, and agreement to the composition of the UNAMID force. In this regard, I welcome the most recent steps taken by the Government to establish an

inter-ministerial committee and a technical mechanism to facilitate peacekeeping in Darfur and I count on the cooperation and active efforts of these bodies to facilitate the early deployment of UNAMID. I call on the Government to agree to the troop composition of UNAMID jointly submitted by the African Union and the United Nations. This force composition is predominantly African, as required by resolution 1769 (2007), and provides for a force that would meet United Nations standards and would be capable of deploying in a timely manner.

33. The United Nations and the African Union are concerned by a growing perception in Darfur that some ongoing security incidents and attacks against AMIS are caused by the non-payment of allowances to Darfur factions participating in the work of the Ceasefire Commission. As a matter of principle, and to avoid further security risks, the United Nations and the African Union believe that donors need to meet their obligations to AMIS and the Ceasefire Commission through a one-off payment before the transfer to UNAMID. At the same time, an effective mechanism for monitoring a new ceasefire would have to be developed during the Sirte talks.

34. The beginning of peace talks on 27 October in Sirte represents a unique opportunity to achieve a definitive end to the suffering of the people of Darfur, who continue to be threatened by violence and insecurity and to languish in camps 17 months after the signing of the Darfur Peace Agreement. The deployment of a robust African Union-United Nations peacekeeping force will make a difference and help to improve the security conditions on the ground. However, it is only through political dialogue and inclusive consultations that the parties will be able to reach a viable, sustainable and comprehensive solution to the crisis there.

35. I would like to express my gratitude to the Leader of the Revolution and to the Libyan people for hosting the peace talks on Darfur. I would also like to thank Chairperson Konaré of the African Union for the remarkable collaboration we have developed between our two organizations. I commend our two Special Envoys for Darfur, Jan Eliasson and Salim Ahmed Salim, for the relentless efforts they have made over the last 10 months to re-energize the political process and bring the parties to the negotiating table.

36. In my message at the opening session of the peace talks, I urged all parties to commit to an immediate cessation of hostilities. I also urged all those who can play a role in helping the negotiations to reach a successful outcome to do their utmost to support the process in earnest. While we continue our efforts to deploy UNAMID, the international community has a collective responsibility to urge the parties to stop any further escalation of violence, to engage constructively in the United Nations-African Union-led talks, and to make the political compromises necessary to come to a lasting solution.

United Nations A/62/526–S/2007/654

General Assembly
Security Council

Distr.: General
6 November 2007
English
Original: Arabic

General Assembly
Sixty-second session
Agenda item 17
The situation in the Middle East

Security Council
Sixty-second year

Identical letters dated 5 November 2007 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you hereinafter a statistical summary of Israeli violations committed from 22 to 31 October 2007 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 17, and of the Security Council.

(*Signed*) Nawaf **Salam**
Permanent Representative

07-58638 (E) 081107 091107

Annex to the identical letters dated 5 November 2007 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Israeli violations, acts of aggression and other activities from 22 to 31 October 2007, inclusive

Air violations

On 22 October 2007:

- Between 0557 and 1205 hours an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over the sea off Sidon, circled over the regions of Jazzin and the Western Bekaa, then left over Rumaysh;
- Between 1120 and 1230 hours two Israeli warplanes violated Lebanese airspace, entering over Kafr Kila, proceeded as far as Shikka and Bsharre, circled over Shikka and the South, then left over Dayr Mimas.

On 23 October 2007:

- Between 1132 and 1410 hours an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over the sea off Sidon, circled over the regions of the Shuf and the South, then left over Alma al-Sha'b;
- Between 1914 and 2200 hours an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over the sea off Tyre, circled over both land and sea between the Zahrani River, Al-Bayada and Beirut, then left over the sea off Naqurah;
- Between 1945 and 1950 hours an Israeli enemy helicopter overflew the villages of Bayt Lif, Marwahin, Qawzah and Ramiyah, then left in the direction of the occupied Palestinian territory.

On 24 October 2007:

- Between 1035 and 1120 hours four Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Kila heading north, circled over the regions of the South and the North, then left over 'Alma al-Sha'b;
- Between 2015 and 2200 hours an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over the sea off Tyre and heading in the direction of Beirut, circled over the sea between Tyre and Beirut, then left over the sea off Naqurah.

On 25 October 2007:

- Between 1003 and 1115 hours two Israeli enemy warplanes violated Lebanese airspace, entering over Dayr Mimas, circled between Shikka and the South, then left over 'Alma al-Sha'b;
- Between 1705 and 1930 hours an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over the sea off Naqurah, circled over the sea between Beirut and Sidon, then left over the sea off Naqurah.

On 27 October 2007:

- Between 0014 and 0110 hours an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over the sea off Sidon, headed north as far as a point west of Beirut, circled between Beirut and the southern regions, then left over the sea off Naqurah.

On 28 October 2007:

- Between 1000 and 1145 hours two Israeli enemy warplanes violated Lebanese airspace, entering over Rumaysh, circled over all the regions of Lebanon, then left over 'Alma al-Sha'b;

- Between 2155 and 2300 hours an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over the sea off Naqurah, circled over the sea between Damur and Beirut, then left over the sea off Naqurah.

On 29 October 2007, between 1407 and 1510 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Kila, circled over Shikka and the southern regions, then left over 'Alma al-Sha'b.

On 31 October 2007, between 0010 and 0145 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over the sea off Al-Bayada, headed north as far as a point west of Beirut, circled over the sea off Beirut, then left over the sea off Naqurah.

Sea violations

None.

Field violations

On 24 October 2007, between 1910 and 1950 hours, Israeli enemy forces sporadically strafed the area around their position on Radar hill (opposite Shab'a) with medium weapons.

On 26 October 2007 the Israeli enemy, from their position in the Zar'it barracks, shined a spotlight for five seconds in the direction of the Tarbikha gate, within Lebanese territory.

Other Israeli activities

The Israeli enemy carried out extensive manoeuvres over a four-day period from 28 to 31 October 2007 in the Galilee region near the Lebanese border in an attempt to draw lessons from the July 2006 war.

United Nations A/62/527–S/2007/655

General Assembly
Security Council

Distr.: General
6 November 2007
English
Original: Arabic

General Assembly
Sixty-second session
Agenda item 17
The situation in the Middle East

Security Council
Sixty-second year

Identical letters dated 5 November 2007 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical table showing the number of Israeli violations which occurred during October 2007 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 17, and of the Security Council.

(*Signed*) Nawaf **Salam**
Permanent Representative

07-58632 (E) 071107 081107

Annex to the identical letters dated 5 November 2007 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Statistical table showing the number of Israeli violations during October 2007

Air violations				*Sea violations*	*Land violations*						*Total violations in the previous month*
					Military acts of aggression	*Field violations*	*Breaches*	*Total*	*Grand total*		
Military jet	Reconnaissance	Helicopter	Total	Crossing of territorial waters, artillery fire and shooting of flares and firebombs over territorial waters	Air raids, artillery shelling, shelling of military positions and important posts, attacks on and killing of civilians	Gunfire, launching of firebombs, dropping of artillery missiles, infiltration and crossing of international borders	Threats and displaying of weapons, bulldozing of soil, placing of barbed wire and setting up of installations inside Lebanese territory	—	—	—	
30	19	1	50	3	—	5	—	5	58		84